

PUBLIC HEARING FOR THE  
DEWEY-BURDOCK UNDERGROUND  
REISSUED INJECTION CONTROL DRAFT PERMITS  
AND PROPOSED AQUIFER EXEMPTION

October 5, 2019  
9:04 a.m. to 6:09 p.m.

Mueller Center  
801 South Sixth Street  
Hot Springs, SD 57747

BLACK HILLS REPORTING  
605.721.2600

1           PRESIDING OFFICER HALL: Good morning.  
2           That's much better.

3           I am Katherin Hall, the Regional Judicial  
4           Officer from EPA.

5           UNIDENTIFIED AUDIENCE MEMBER: Would you  
6           please speak louder? We have a hard time  
7           hearing.

8           PRESIDING OFFICER HALL: I'm the Regional  
9           Judicial Officer from EPA in Denver, Colorado.  
10          Thank you all for coming today. I will be  
11          chairing the hearing today.

12          In addition to myself, there are other EPA  
13          staff here to assist to ensure that everyone who  
14          wants to speak has an opportunity to do so. So  
15          I'll introduce them before we get started.

16          At the table with me is Douglas Minter.  
17          He's the supervisor of the Underground Injection  
18          Control Section in the water division.

19          Also, Valois Robinson will intermittently be  
20          at the table with me as well, and she is the  
21          permit writer.

22          Lisa McLain-Vanderpool is the EPA media  
23          officer, who is not up here at this time. But  
24          if you are from the press and have not checked  
25          in with her, please do so. She's out at the

1 table.

2 On March 6, 2017, the EPA issued two draft  
3 Underground Injection Control, UIC, area permits  
4 to Powertech for injection activities related to  
5 uranium recovery near Edgemont, South Dakota,  
6 for public comment.

7 The draft permits included a UIC Class III  
8 area permit for injection wells for the in-situ  
9 recovery of uranium and a UIC Class V area  
10 permit for deep injection wells for disposal of  
11 treated in-situ recovery process waste fluids.

12 The EPA also proposed an aquifer exemption  
13 approval in connection with the UIC Class III  
14 area permit.

15 During the 2017 comment period, EPA held  
16 public hearings over five days. After careful  
17 consideration of all the public comments  
18 received, the EPA made changes and reissued the  
19 draft permits and exemption on August 26, 2019.

20 EPA has prepared a summary document of those  
21 changes. If you'd like to view that document,  
22 please ask Douglas or Valois, and you can read  
23 it.

24 We're here today to listen to your comments  
25 on the reissued area permits and aquifer

1 exemption. We will hear your comments today  
2 from 9:00 until noon and again from 2:00 until  
3 6:00. There will be two 15-minute breaks and a  
4 lunch break from 12:00 to 2:00.

5 There are restrooms in the lobby. And if  
6 you could please silence your cell phone when  
7 you're in the auditorium.

8 I'm going to call registered speakers by  
9 their assigned numbers, not by your name. So  
10 please listen for your number, which should be  
11 on your card.

12 I'm going to call three speakers at a time.  
13 The first speaker can come directly to this  
14 podium, and the next two speakers can wait at  
15 these two chairs over here that are designated  
16 by the stairs.

17 If you are unable to navigate these stairs,  
18 there is also a microphone set up below the  
19 stage here.

20 When you come up, please leave your card in  
21 this box, which will be on the chair. If you're  
22 speaking at this microphone, you can leave your  
23 card on the stairs, and we'll retrieve it.

24 When it's your turn to speak, please come up  
25 here and state your name before you begin



1 speaking, and please speak directly into the  
2 microphone.

3 If you are reading your statement from a  
4 document, please read slowly enough so that the  
5 court reporter can capture what you're saying.

6 Because of the number of people we expect to  
7 participate today, I'm limiting each speaker to  
8 five minutes to ensure that everyone has an  
9 opportunity to speak.

10 Someone at the table will let you know when  
11 you have one minute of time remaining by holding  
12 up a yellow folder. And when your time is up,  
13 we will hold up a red folder, and I will ask you  
14 to conclude your remarks.

15 After you finish speaking, our subject  
16 matter experts, Douglas or Valois, may ask you  
17 clarifying questions.

18 During this portion of the hearing, we're  
19 not explaining the basis for the proposal or  
20 answering any questions. The proposed notice  
21 serves that purpose.

22 The purpose of this hearing is to hear your  
23 input. This is the only public hearing on the  
24 reissued permits and aquifer exemption. The  
25 comment period for the reissued permits and

1 exemption has been extended until December 9,  
2 2019.

3 At the close of the comment period, EPA will  
4 review and consider all comments received during  
5 both the 2017 and the 2019 public comment  
6 periods and during all the public hearings  
7 before making its final decision. EPA will also  
8 prepare a response to all the comments received.

9 We are recording the hearing today, so be  
10 assured that your comments will be captured.  
11 The court reporter sitting to the left of the  
12 stage will be preparing a transcript of today's  
13 proceeding that will be available to anybody who  
14 would like to see it. The transcript is part of  
15 the record and will be included in the docket  
16 for this matter.

17 The docket is where EPA collects all the  
18 materials that it has considered in an action,  
19 including all the public comments. The docket  
20 is available on the internet for review, or you  
21 can view a hard copy at EPA's Denver office.

22 If you have written copies of your  
23 testimony, please give a copy to one of us at  
24 the table, or you can leave it at the  
25 registration table. It's helpful as we prepare

1 the transcript.

2 If you have any other written comments or  
3 supporting documentation, you may leave them  
4 with us at this table or at the registration  
5 table, and we will make sure that the material  
6 is entered into the docket for this proposed  
7 action.

8 You may also submit written comments  
9 directly to the docket at regulations.gov or  
10 federalregister.gov on or before December 9,  
11 2019. The docket ID number and instructions for  
12 submitting comments can be found at the  
13 registration table.

14 I will now call our first speakers, Speakers  
15 1, 2, and 3. Speaker 1 can come directly to the  
16 podium, and 2 and 3 can sit at these chairs  
17 reserved for the next speakers. Thank you.

18 PRESIDING OFFICER HALL: Go ahead.

19 MARVIN KAMMERER: I'm Number 1, I guess. My  
20 name is Marvin Kammerer. My grandfather came  
21 into this country here to the land of the Lakota  
22 in about 1880. The name Kammerer in German  
23 means kind of like a caretaker.

24 We were probably the family that followed  
25 the lords' horses up with a shovel. But someone

1           has to do it. Someone has to stand for the  
2           environment, for the resources that have been  
3           given us by the good Creator.

4           You people have a heavy responsibility here  
5           today to preserve for us, for generations to  
6           come, that we have water, that we have the  
7           natural-born and -raised resources that are  
8           here.

9           We've been through droughts, and I'm getting  
10          long enough in the tooth to know that each one  
11          of them gets harder. Several years ago in  
12          another drought, we were without water. We had  
13          water in a dam a half mile from home where the  
14          corrals were.

15          And one of the boys was getting ready to  
16          calve out about 80 heifers. You can't calve out  
17          heifers and be a half mile from water.

18          There's a lot of work to farming and  
19          ranching. There's a lot of work getting up at  
20          midnight, getting up several times a night, two  
21          times for sure, to check on the heifers to see  
22          whether or not they are having problems.

23          You have to have water.

24          We dug a hole in the ground in the Inyan  
25          Kara. We had to go 2,260 feet, and it's not a

1 strong, strong supplier. It's into the  
2 sandstones. But we don't know -- none of us.  
3 None of you people know how much water is down  
4 there in the different layers.

5 And we have to be careful how much we use  
6 and what we use it for. It's our responsibility  
7 as citizens here to not waste the resources for  
8 quick gain. Live with what you have. Try to be  
9 responsible, as my grandfather was.

10 He was encroaching on the land of the  
11 Lakota. By treaty, this land is still Lakota's,  
12 and we have to remember that. And I as a  
13 rancher recognize that they have a prior right.

14 And you people have an obligation to us  
15 because we put you in a position of  
16 responsibility to keep for generations not yet  
17 born resources that we can rely on.

18 And don't pollute. Those holes that they've  
19 dug in previous years down there at Edgemont,  
20 north, when they put the pressure into these  
21 holes to get the uranium out, how many geysers  
22 are going to show up? Geysers because people  
23 did not then plug those holes properly. And a  
24 lot of them weren't plugged at all.

25 Thank you for your time. I appreciate you

1 people being here. But take a message back to  
2 your headquarters: That we are responsible  
3 people, and we need you people to speak for us  
4 honestly and responsibly.

5 PRESIDING OFFICER HALL: Thank you.

6 DONALD MATT: The preceding gentleman is  
7 correct. I checked the USGS publication on  
8 geology of the Black Hills. And under 1986,  
9 Aquifer Characteristics, it says, page 19: The  
10 principal use of water from the Inyan Kara  
11 aquifer in the study area is for domestic and  
12 stock supply.

13 And it says: Discharges from flowing wells  
14 generally are less than 30 gallons a minute.

15 So there are areas where the water is  
16 flowing up through these holes.

17 And the paragraph before that says: This  
18 indicates water levels have declined as much as  
19 125 feet -- and they give the description -- in  
20 response to withdrawals, particularly by  
21 uncontrolled flowing wells.

22 So that exactly duplicates what this man  
23 said, except this is by the USGS.

24 Now, there have been a lot of esoteric  
25 jargon terms thrown around. There's been a lot

1 of math thrown around. But when I checked last  
2 night, the -- the price of uranium is now  
3 sitting at less than half of what is reported to  
4 be a break-even amount.

5 That means that it's not profitable to  
6 purify the uranium like they are talking about.  
7 And these changes are to make -- it appears to  
8 me -- to be changes to expand the -- the  
9 radioactive waste.

10 Now, they say that they can purify it, but  
11 nobody has demonstrated that they actually can  
12 purify it to the standards that they are  
13 reporting that they can.

14 I've also talked to a geology student who  
15 said that all of the geologists around are  
16 concerned about holes through the layers above.  
17 At this time, I'm not able to quote them. I'm  
18 not sure that I have permission to say who this  
19 person was, but this is a reliable person that  
20 has reported that.

21 One of the concerns -- and the res- --  
22 People For Responsible Mining is, if you are  
23 pumping into rock layers, to pump water in, that  
24 is basically a fracking operation. And we have  
25 holes, and a fracking operation generates new

1 fissures, new areas that can cause problems.  
2 And we don't know where this pressure is going  
3 to be or where it's going to result.

4 Now, you like to feel like you're in control  
5 of everything and regulating everything, but  
6 these radioactive wastes, some of them can  
7 generate up to 10,000 years.

8 That goes back to the Ice Age and there --  
9 if you put it back to the Ice Age, you still  
10 have radioactive things today.

11 PRESIDING OFFICER HALL: Thank you.

12 Can you state your name for the record,  
13 please.

14 DONALD MATT: Donald Earl Matt.

15 PRESIDING OFFICER HALL: Thank you so much.

16 DOROTHY NORRIS: My name is Dorothy Norris.  
17 I'm a chemistry teacher. My husband is Marvin  
18 Norris. He's a physician. Dr. Norris and I and  
19 our family have lived here for over 45 years.  
20 We love the Black Hills. We've hiked through  
21 the Black Hills. We decided that we wanted to  
22 retire here and live until we leave.

23 I never thought I would ever see the day  
24 when our government would not only allow a  
25 company, but particularly a company from another



1 country, to come in and do something that would  
2 in any way jeopardize our pure water.

3 Our body needs water in order to live.  
4 Without water, we become a desert. It's very,  
5 very essential for our being.

6 You have an awesome responsibility in making  
7 this decision. But I want to remind you that  
8 you must also take responsibility for this  
9 decision. Thank you very much.

10 PRESIDING OFFICER HALL: Thank you.

11 Speakers 4, 5, and 6. Four can go directly  
12 to one of the mics, and Speakers 5 and 6 can  
13 please wait in the chairs next to the stage.  
14 Thank you.

15 MARLENE AKHTAR: Yes. My name is Marlene  
16 Akhtar. We have lived here for 40 years. I'll  
17 be speaking both for myself and my husband, who  
18 is a retired physician. And I will have a paper  
19 for you.

20 PRESIDING OFFICER HALL: Thank you.

21 MARLENE AKHTAR: Throughout the day, you are  
22 going to hear all kinds of the legal  
23 ramifications and the logistics and the geology.  
24 So this is something that is actually coming  
25 from my heart more than science.

1           The Black Hills, our state, and -- are still  
2           in a state of movement. Seven years ago, some  
3           trees started growing along our driveway. We've  
4           lived there 40 years, and the people before us  
5           lived there about 40 years. All of a sudden  
6           trees are growing along our driveway.

7           Somehow a little river formed and is now  
8           flowing beneath our driveway where it did not  
9           before. The Black Hills are in a state of flux.  
10          We cannot guarantee where the water will be each  
11          year.

12          There is no way uranium can be completely  
13          removed from the water. That's a scientific  
14          fact. There's also big money behind this, and  
15          most of us only have our hearts and our desire  
16          to protect our lives. This is David versus  
17          Goliath.

18          Do you care about us? This is a huge  
19          responsibility. But we also know there's big  
20          money behind this.

21          Azarga/Powertech has not done -- I know  
22          we're not supposed to say anything negative, and  
23          I just found out about it. So I'm going to read  
24          it anyway.

25          Azarga/Powertech have not done -- they have

1 not filled the boreholes or done the cultural  
2 study which is required by law. So right there,  
3 they are not fulfilling their responsibilities,  
4 and that should be taken into consideration.

5 It's also common knowledge that a foreign  
6 government is behind this, and it boggles the  
7 imagination to think we would allow this when we  
8 are so hated by so many. We're not in their  
9 best interest. This is all about power and  
10 money.

11 In the future, it will affect your  
12 generation as well as ours. We can live without  
13 gold or oil, but water is necessary to sustain  
14 all life. Just try to go two days without  
15 liquid and see how your body reacts.

16 This is in your hands, and I pray that it's  
17 not a done deal and that you are just doing this  
18 hearing for a formality. Please, I hope this is  
19 not a done deal already behind the scenes. That  
20 was from me.

21 Looking on the computer -- and I'm not going  
22 to read the whole thing, I'm going to read only  
23 the first line: Foreign owned mines -- mines  
24 operate royalty-free under an outdated U.S. law.

25 So they don't even have to pay royalties.

1           So even though this company is a U.S. company,  
2           it's a foreign company behind it, so they've got  
3           carte blanche. They've got carte blanche.

4           This is from my husband, a retired  
5           physician: I am a retired physician in internal  
6           medicine. My name is Hasan Akhtar, and I am  
7           totally against any kind of toxic material  
8           dumping or uranium mining because these are very  
9           dangerous for health and for all living things.  
10          Thank you.

11          PRESIDING OFFICER HALL: Thank you.

12          CAROL McCLELLAND: Hello. I'm Carol  
13          McClelland. I moved to the Black Hills six  
14          years ago from Illinois because I wanted the  
15          idea of crystal clear water, healthy  
16          environment, nature in harmony, and health for  
17          everyone.

18          Water is the most important. I would call  
19          it an element. We bathe in it. We drink it.  
20          We cook in it. We can't live without it.

21          I used to raise horses in Illinois, and they  
22          know about what is and what isn't to put in  
23          their bodies. And they will even turn on water  
24          spigots -- they're that smart, believe me -- if  
25          they want it fresh right from the tap.

1           When I moved here -- I don't have horses  
2           anymore, but I love it when others have them.  
3           And we should pay attention to our animals, how  
4           we are looking at their reactions to what they  
5           want to put in their bodies.

6           I have a friend that was born and raised in  
7           the Pine Ridge Reservation. And we were talking  
8           about the Cheyenne River with radiation in it.  
9           And she made a comment that the horses will  
10          bathe in it, but they won't drink it anymore,  
11          and water has to be hauled in for them to drink.

12          And I think that is a very important sign  
13          right there, a red flag, and if that can be  
14          investigated even more. Then when you think  
15          about it, this Cheyenne River dumps into the  
16          Missouri River and goes into the Mississippi  
17          River and then in the ocean.

18          So how far does this go? This pollution  
19          that keeps -- I used to hunt for rocks under the  
20          bridge on 44, east of Rapid City. And I joined  
21          a rock club six years ago in Rapid, and they  
22          were telling me about radiation even in the  
23          Cheyenne River. But I still went out there, and  
24          I did some rock hunting, and I enjoyed the  
25          beauty of it.

1           What's spoiled now is you can't even go down  
2           there. They fenced it off under the bridge.  
3           And I used to see people sitting under there and  
4           fish on this particular side of the river, and  
5           they can't do that anymore.

6           It says "No Trespassing," and I wonder why.  
7           And is that because of something here that's not  
8           being told to us directly? But somebody knows  
9           that maybe there's more -- a higher level of  
10          pollution running in the river than we're aware  
11          of.

12          I came here for health, and I really think  
13          that this is a concern. And it makes me wonder,  
14          too, is it always because of greed and a lack of  
15          consideration on life, on us? Where does this  
16          take us?

17          And I know there's fracking. I've heard  
18          about that, too, how that pushes -- helps push  
19          the oil in a direction where they want to gather  
20          it. I don't know how much of that is done with  
21          the uranium process, but there's too many  
22          things.

23          And, yes, we need to bind together. We need  
24          to speak up. And I pray that God will intervene  
25          for every one of us. And I intend to live here

1 the rest of my life in the Hills no matter what.  
2 So I thank you for hearing my comments.

3 PRESIDING OFFICER HALL: Thank you.

4 CATHY SOTHERLAND: Good morning. Thank you  
5 very much for coming, to give us an opportunity  
6 to express our concerns and update us on this  
7 process.

8 My name is Cathy Sotherland. I live in  
9 Hot Springs. And you already know probably more  
10 than all of us put together because you've seen  
11 the research, you've seen the proposals, you've  
12 seen the science.

13 I'm perplexed, actually, to see in this, one  
14 of the reconsiderations that we are being asked  
15 in the second permit, for deep injection wells  
16 that will be used to dispose of the processed  
17 waste fluids into the Minnelusa Formation after  
18 treatment to meet radioactive waste and hazard  
19 waste standards.

20 How can anyone ask us to agree to that? We  
21 have no way to get it out if it's contaminated.  
22 It's proven. It's fact. And you know that.  
23 Why would we jeopardize our water for the  
24 uranium ore that's coming out of this process?  
25 We will never get it back to the purity we have

1 right now. That's a given.

2 We are common people, as you see. We cannot  
3 drill new wells into the Madison which,  
4 depending on what you believe and what science  
5 may prove, there will be contamination between  
6 aquifers. My drinking water comes from the  
7 Minnelusa.

8 I know a lot of people, and even our city,  
9 the region, depends on these aquifers. Even the  
10 Inyan Kara, there are people that -- domestic  
11 use is taken out of that. I can't imagine that  
12 we are even having this conversation anymore.  
13 We really need you to watch out for us.

14 Our state is not one of the richer states.  
15 As you can see, we still have waste from  
16 previous mining of uranium. We had flooding  
17 where we still have toxic ponds in that area.

18 No one from our state went out to see if  
19 those ponds poured into our creeks that go into  
20 the Cheyenne, that go into Angostura Reservoir  
21 and on to other people that count on that water.

22 This is too important. And I would not want  
23 to be in your shoes. But I ask you, please,  
24 because of all the uncertainties, all the  
25 questions we don't have answers to, please do



1 not mess with Mother Nature, because we don't  
2 know how it will play out. And, please, please  
3 do not inject anything ever into our aquifers.  
4 Thank you.

5 PRESIDING OFFICER HALL: Thank you.

6 Speakers 7, 8, and 9 are up. If Speaker 7  
7 could go directly to one of the two mics, and 8  
8 and 9 can wait in the chairs, please. Thank  
9 you.

10 MARY HELEN PEDERSON: My name is Mary Helen  
11 Pederson. And that's Pederson, not Peterson.

12 UNIDENTIFIED AUDIENCE MEMBER: Could you  
13 speak louder? We can't hear you. Closer to the  
14 mic.

15 MARY HELEN PEDERSON: Did you get my name?  
16 Okay.

17 I want to start out with this quote:  
18 "Humankind has not woven the web of life. We  
19 are but one thread within it. Whatever we do to  
20 the web, we do to ourselves. All things are  
21 bound together. All things connect." Chief  
22 Seattle, Duwamish.

23 I'm sure there's no one that can speak that  
24 language anymore because they were -- tried to  
25 annihilate all of them, tried to make them white

1 people, tried all those kind of things.

2 But I'm here to talk about our water because  
3 it is all about the water. That's why we are  
4 protesting so far.

5 How dare you come in here and say you're  
6 going to pollute the two aquifers that is above  
7 the Madison? There are people still depending  
8 on those aquifers no matter what kind of science  
9 you try to put out there.

10 And you guys were formed to protect us  
11 from -- from corporations. Now they are running  
12 the country, and they are going to -- you know  
13 what, you -- I know what you think of us. We're  
14 just collateral damage, you know, for the best  
15 of the good. And that means only rich people,  
16 very rich people.

17 And you want to kill us off like you did the  
18 Indians. But the Indians didn't go away. We're  
19 not going to go away. We're going to fight you  
20 to death for our water. Just leave it alone.

21 I copied every comment that was made in your  
22 last public things. And I counted up, and there  
23 was only about 3 percent that was for giving  
24 these permits out. 97 of them all wanted to  
25 leave our water alone.

1           And yet you took it upon yourselves to issue  
2           two permits for Powertech in -- in, when did  
3           you, August? Not even notifying us. How can  
4           you believe that the people living in the Black  
5           Hills -- and like everybody else mentioned, the  
6           water here goes in the Cheyenne. The Cheyenne  
7           goes in the Missouri, the Missouri goes in the  
8           Mississippi, and then it goes down to the coast.

9           This affects everybody in this country. And  
10          you cannot sit there and claim that we are just  
11          collateral damage because we happen to live  
12          here.

13          I know your maps and stuff that you dig up  
14          from a long time ago show that nobody is living  
15          here. That's what you think. But there's a lot  
16          of people living here. We had very little time  
17          to gather all our documents, but I have them on  
18          print. So if you -- if you deleted them from  
19          your computer, I'll give them to you.

20          PRESIDING OFFICER HALL: Thank you.

21          Is Registered Speaker 8 still here and would  
22          like to speak?

23          NIKKI PIPE ON HEAD: Hello. My name is  
24          Nikki.

25          Is this on? Can you hear it?

1 UNIDENTIFIED AUDIENCE MEMBER: Could you  
2 speak louder.

3 (Pause.)

4 NIKKI PIPE ON HEAD: My name is Nikki  
5 Abourezk-Pipe On Head. And I came here from  
6 Oglala, South Dakota. And we're here to talk  
7 about the water.

8 And the reason why I have information about  
9 what happened many years ago when my father,  
10 James Abourezk, was the -- in the U.S. Senate,  
11 and there, the uranium companies came in to the  
12 New Underwood, Edgemont area and drilled and  
13 mined, and the people in South Dakota and the  
14 federal government ended up cleaning some of  
15 that up. A lot of it was not cleaned up. It  
16 was just left there.

17 And the boreholes that were made recently  
18 have not been filled by the Azarga Company from  
19 the damage that they have done because no one  
20 has done that, historically. It's good to have  
21 a historic perspective from both angles.

22 I also came here to speak on behalf of my  
23 family. My husband is Doyle Pipe On Head, and  
24 he is the great-great-grandson of Chief Big  
25 Foot, who was also known as Spotted Tail and

1 preferred to be called Spotted Tail. And he  
2 perished at Wounded Knee.

3 And the reason why these things happened to  
4 him and to his people, the 300 people that were  
5 massacred then, was the fact that -- that they  
6 discovered gold in the Hills at the time, in the  
7 Black Hills.

8 But there was also a treaty that was made,  
9 and he was one of the ones that helped sign the  
10 treaty amongst the many others that were there.

11 But one of the things that I do find  
12 interesting is that -- is that the treaties are  
13 sacred contracts. They are sacred contracts  
14 with other countries that we have. By the way,  
15 never broken with other countries. And we must  
16 not break that now, because it is a sacred  
17 contract. It is protected by the United States  
18 Government.

19 And we are -- the EPA, the Environmental  
20 Protection Agency, which has historically done  
21 fairly good work and -- but lately, because of  
22 the political situation, nothing has happened  
23 lately because they are changing the laws one by  
24 one.

25 But one of the laws that are so sacred are

1           that our waters are protected because we can't  
2           drink anything else. We can't live. We cannot  
3           survive. We cannot grow food because uranium  
4           goes into everything. It permeates,  
5           scientifically, into everything.

6           They find it in the plants. They find it in  
7           the animals. You can't eat a piece of liver  
8           because all that uranium dust is in there. And  
9           it permeates in our bodies, and it turns into  
10          cancer. And we do not want to perish this way  
11          again.

12          So, please, respect those treaties and  
13          respect the Native American ways. Thank you.

14          PRESIDING OFFICER HALL: Thank you.

15          Is Speaker 9 available?

16          LINSEY McLEAN: My name is Linsey McLean,  
17          and I am an environmental biochemist in  
18          toxicology for the last 42 years. Born and  
19          raised in Flint, Michigan, I am well acquainted  
20          with environmental contamination of all kinds.

21          On Dewey-Burdock two years ago, we had a  
22          turnout for your EPA hearing of about 1400  
23          people who overwhelmingly protested this  
24          ridiculous uranium mining and hazardous waste  
25          deposition project.

1           Now you have the audacity to come back here  
2           with an even worse permit to try and shove it  
3           down our throats again.

4           You have ignored the science. You have  
5           ignored the science on geology, hydrology,  
6           toxicology, and the need for uranium testing in  
7           wastewater levels for a Class V injection well.  
8           And some of that ignored science is documented  
9           science that I submitted as a federal expert  
10          witness.

11          The request for the still ridiculous number  
12          of waste injection wells with two, I assume,  
13          still needed right away, coupled with the years  
14          off of any probability of actual mining due to  
15          the lack of finances, the lack of a correct NEPA  
16          survey, the lack of any closure of those just  
17          nearly 8,000 old boreholes in an already  
18          thoroughly explored site that was twice  
19          abandoned and documented by the TVA as having no  
20          recoverable uranium.

21          And this just screams that this project is  
22          just a cover for a hazardous waste dump site.  
23          You have removed any monitor wells downgradient  
24          from the site, even for post-restoration, which  
25          indicates that there will be no need for any

1 restoration as this is truly just a toxic waste  
2 dump.

3 Our DENR has stated that there are several  
4 thousand Minnelusa wells downgradient, and many  
5 more where the aquifer is unknown in current  
6 use. Yet you told me in person that no one  
7 lives there.

8 I beg your pardon? You never checked. You  
9 never did any survey of what or who actually  
10 lives downgradient. No compliance monitoring  
11 really means the EPA just doesn't give a damn  
12 about the people there.

13 And you require no other aquifer to be  
14 tested either or monitored? You must not be  
15 concerned at all about the toxic plumes. There  
16 are literally thousands of violations each year  
17 by injection well operators in the U.S. as they  
18 overpressure, overinject, and crack casings.  
19 And with no oversight, they just keep on  
20 pumping.

21 EPA throws us a bone with, injection fluid  
22 is limited to waste fluids from Dewey-Burdock.  
23 However, EPA administrators have said to me  
24 personally that there is zero oversight for  
25 these Class V wells, and that they essentially



1           approve the wells and then just step back out of  
2           the picture.

3           So apparently, this little specification is  
4           just for looks, to quiet the public outrage that  
5           came out in the 2017 hearings about this  
6           subject.

7           Powertech/Azarga promises to clean their  
8           wastewater up to Class V regs. But again, no  
9           oversight to see if they actually can do that.  
10          If they were actually able to clean it, then  
11          that water would be most valuable for  
12          agricultural, irrigation, and farm use in this  
13          high, dry area of the country, and they could  
14          sell it and an expensive waste injection well  
15          would not even be needed.

16          Oh, and about those Madison wells promised  
17          for those who live in the area and will be  
18          impacted? You took away that requirement, too.  
19          So all those who lose their wells to  
20          contamination are just SOL.

21          There is a huge black market in hazardous  
22          waste in the U.S. that you think we don't know  
23          about with injection wells. So with all the  
24          curtains now pulled down, let's call this fake  
25          mining project really what it is, just a cover

1           for a hazardous waste dump site in the Black  
2           Hills where they could sell the hazardous waste  
3           permits to anybody else, even if nobody ever  
4           mines any uranium. Thank you.

5           PRESIDING OFFICER HALL: Thank you.

6           Speakers 10, 11, and 12. Speaker 10 can go  
7           directly to one of these mics, and 11 and 12  
8           could sit in the chairs next to the stairs.  
9           Thank you.

10          KIM KRAFT: Members of the EPA, my name is  
11          Kim Kraft.

12          UNIDENTIFIED AUDIENCE MEMBER: Speak louder.

13          KIM KRAFT: I'm here today to reiterate some  
14          of the problems of allowing issuance of a permit  
15          to Powertech/Azarga to inject mining wastewater  
16          into the aquifers in the Dewey-Burdock area.

17          Following the NRC hearings, Powertech has  
18          not complied with the requirements or even  
19          started with the NRC recommended requirements.  
20          Hundreds of boreholes -- or thousands in the  
21          area have not been adequately plugged, or if  
22          they were, it was not done sufficiently to  
23          conform to any contamination.

24          Originally, the request was for one  
25          injection well. It has risen to include up to

1        eight wells. The history of the in-situ mining  
2        industry has been full of lies, deception, and  
3        failures to mitigate the damage done by these  
4        techniques either by lack of finances, lack of  
5        responsible cleanup, or the ability to do so,  
6        thus leaving a history of illness and cancer in  
7        the surrounding communities caused by runoff or  
8        leakage of the wastewater into drinking water.

9        The request for an area that does not comply  
10       with EPA regulations concerning mine wastewater  
11       disposal, there are no crystal rock layers to  
12       contain the waste. The layers are a sedimentary  
13       limestone or sandstone. They are prone to  
14       fissures and cracks that cannot -- that connect  
15       the other layers and aquifers.

16       The Dewey-Burdock area is also close to  
17       Jewel Cave National Monument, which has been  
18       found to have links to the Wind Cave National  
19       Park complex. This is a vast area covering  
20       thousands of square miles of water pathways, and  
21       we don't have the complete story or nature of  
22       conductivity or only a few tests or limited  
23       analysis. It doesn't tell us that the story  
24       of -- the story of the long-term impact of  
25       wastewater contamination.

1           The water is in an area that just doesn't  
2           sit there. There is constant movement of water  
3           as rainfall increases and decreases. It might  
4           take years, but the water has to go somewhere.  
5           That is -- what is done today to the aquifers  
6           will affect the children and people of the  
7           future.

8           Who will -- and who will finance this, the  
9           mitigation costs? The community can't cover it,  
10          cover the extreme costs as needed. And who is  
11          to benefit from this venture? A few people  
12          on-site, but almost no one in the area. Mostly  
13          foreign countries, entities will receive any  
14          revenue or even some product from it.

15          Our nuclear needs are already -- have more  
16          uranium than they will need, and the nuclear  
17          energy demand is decreasing. It's too expensive  
18          and too -- to even use or build.

19          The Black Hills will -- will bear the brunt  
20          of the contamination. Ranchers, indigenous  
21          people, tourists, and sports people will have to  
22          deal with it in the future. This is treaty  
23          territory, and it must -- must be protected from  
24          the onslaught, as mandated by law.

25          The history of the EPA is to protect the

1 environment and the people, to uphold the law  
2 and not to allow big business to run roughshod  
3 over it. Know we are depending on you to  
4 protect us from our -- from big money destroying  
5 our lives -- livelihood over -- from nuclear  
6 destruction.

7 Don't give the permits to them outside -- to  
8 the outside interests. Thank you.

9 PRESIDING OFFICER HALL: Thank you.

10 ANDREW CATT-IRON SHELL: Good morning,  
11 Relatives. Good morning, Your Honor.

12 Delegates of the EPA, we appreciate you  
13 coming today to hear our voice. I bring  
14 representative of our community, of our family  
15 with us today, Riot and Casey Catt. And we're  
16 here today to talk about the rule of law.

17 You're holding this hearing because it's the  
18 rule of law that you provide this time for  
19 community impacted by Powertech's uranium --  
20 proposed uranium mining in the Black Hills. And  
21 I'm here today to speak about our right as  
22 Americans to exercise our First Amendment rights  
23 in all situations.

24 And we are not riot boosters as Governor  
25 Noem would like to label those of us who are

1 here to protect our environment and our water.  
2 We are not riot boosters. We are law-abiding,  
3 legal citizens of this nation, of this country,  
4 and we are in Lakota territory.

5 So what I want to say today is that we are  
6 going to show up at these uranium mines. We are  
7 going to show up on the front lines of the  
8 TransCanada pipeline, and we are going to  
9 exercise our First Amendment rights lawfully and  
10 to the full extent of those rights, regardless  
11 of the militarized police that may be put in  
12 front of us, regardless of the 10 years, 100  
13 years, 50 years, whatever it is, that they are  
14 trying to label us as domestic terrorists.

15 No, we are not. Again, we are law-abiding  
16 citizens, and we expect that the EPA recognize  
17 the rule of law. Part of that rule of law is to  
18 protect our sacred sites in the Black Hills.  
19 Part of that rule of law is to acknowledge that  
20 the Lakota treaties of 1858 and 1868 are legal  
21 and binding to this day.

22 So before we acknowledge water being  
23 allocated to Powertech or Cameco or to  
24 TransCanada, we need to recognize the rule of  
25 law states that this water underneath you is

1 Lakota water, is Lakota water, is Lakota water.

2 You can send your militarized police. You  
3 can send them. We will be there with these  
4 children, with our grandparents, with our  
5 elders, and with our neighbors.

6 So I'm here today to say that we respect  
7 rule of law, but we want you to respect your own  
8 laws, your own laws that have been broken over  
9 and over again for the sake of foreign  
10 companies, for foreign shareholders that don't  
11 even live in our community.

12 In the 1980s, my mom and my dad, they stood  
13 up here and they talked about these same things,  
14 this encroachment of the extraction industry in  
15 our Black Hills. And yet here we are again.

16 And we should be encouraged that they chased  
17 those 40 mining companies out of the Black Hills  
18 at that time, and we're looking to do that again  
19 with the rule of law.

20 Thank you, Relatives, for your time.

21 PRESIDING OFFICER HALL: Sir, can you come  
22 back one moment and state your name for the  
23 record. Thank you.

24 UNIDENTIFIED AUDIENCE MEMBER: What's your  
25 name? Andrew, tell them your name.

1           ANDREW CATT-IRON SHELL: Andrew Catt,  
2           C-A-T-T, Iron Shell.

3           PRESIDING OFFICER HALL: Thank you.

4           Is Speaker 12 available?

5           DEBORAH MARS: Hello.

6           PRESIDING OFFICER HALL: Good morning.

7           DEBORAH MARS: Good morning.

8           My name is Deborah Mars, and I'm here from  
9           Oglala. I have been hearing about the Black  
10          Hills most of my life. I grew up in Washington,  
11          D.C. And sitting next to me here is Nikki  
12          Abourezk-Pipe On Head, who is my best lifelong  
13          friend.

14          And when her father was a senator from  
15          South Dakota, I used to come and visit in  
16          South Dakota. And I always knew that one day I  
17          would like to live here because it was so pure,  
18          and the water was so clear. And I was always  
19          told how sacred and special the Black Hills were  
20          to the Lakota, that it is considered the heart  
21          of Mother Earth.

22          I have moved to Oglala, and now I am  
23          heartbroken that the water is being polluted.  
24          I'm already hearing that we should not eat the  
25          fish and people shouldn't fish, that there's



1           already tainted uranium.

2           And many others have talked about the holes  
3           that have not been capped, the proof of the  
4           water already not being pure enough for well  
5           water, not being done properly. There are  
6           others that have said better than I all that was  
7           not proven.

8           But let me just say, for me, an American  
9           citizen who is turning 65 next month, who was  
10          one of the biggest student organizers of the  
11          first Earth Day, that my heart is broken, that  
12          the EPA was the ones that were supposed to  
13          protect our sacred lands and our waters,  
14          especially our waters, which do not unpollute  
15          once they've been tainted with something like  
16          uranium.

17          And I've taken geology. I'm not a geologist,  
18          but I was originally a physical science major.  
19          And we have no proofs of what really goes on in  
20          the water shelves and the underground flow and  
21          what can flow into what.

22          But I know that the EPA, which you were my  
23          heroes growing up, were not made, were not  
24          formed to protect a foreign business and not the  
25          sacred lands.

1           And I also know that these -- this water is  
2           Lakota water. The Black Hills does belong to  
3           the Lakotas. And certainly, by any treaty that  
4           the government is supposed to honor as a sacred  
5           trust, that this is not proper and none of the  
6           protections and real science has been in place.

7           So I just wanted you to hear from someone  
8           who came here, that traveled thousands of miles  
9           to move here for the purity. And again, you  
10          were my heroes. That my heart is broken.

11          And also the fact that even so many --  
12          there's just such heartbreak over all the  
13          different public trusts that have been broken  
14          with this.

15          And even saying that the cultural  
16          protections have been served, I've heard tell  
17          that all the examination of the cultural site  
18          was done under a great deal of snow and couldn't  
19          have possibly been done.

20          I put that in that along with all the other  
21          people who have spoken more eloquently of the  
22          science of all of this and how this is really a  
23          toxic waste dump, in one of the most sacred  
24          places on Mother Earth.

25          My name is Deborah Mars. Thank you for

1 sharing this time.

2 PRESIDING OFFICER HALL: Thank you.

3 Speakers 13, 14, and 15. Speaker 13 can go  
4 to directly to the one of the two mics, and 14  
5 and 15 can sit in the chairs designated for the  
6 upcoming speakers. Thank you.

7 SYLVIA LAMBERT: This wasn't made for  
8 somebody who used to be 5 foot, 13.

9 UNIDENTIFIED AUDIENCE MEMBER: Can you speak  
10 louder, please?

11 SYLVIA LAMBER: I guess I'll get right down  
12 to it.

13 DOUGLAS MINTER: If you want to take the mic  
14 off and hold it, you can do that as well.

15 SYLVIA LAMBER: Okay. My name is Sylvia  
16 Lambert. I'm here to talk about making the  
17 company prove their request in regard to the  
18 safety they claim.

19 In-situ mining for uranium in aquifers in  
20 western South Dakota makes no sense from the  
21 point of view of highest and best use at any  
22 time, but especially these days since water  
23 scarcity is no longer a debatable issue.

24 However, if the EPA is considering granting  
25 Powertech/Azarga a permit for either one waste

1 disposal well, you should seriously consider the  
2 following:

3 Require the company to prove that the  
4 Minnelusa Aquifer and other affected aquifers  
5 that now supply drinking water are somehow now  
6 deemed not suitable for drinking water or any  
7 other competing purpose, such as agriculture and  
8 ranching.

9 Require an independent testing agency.

10 Require the company to identify potential  
11 environmental degradation that its activities  
12 might cause, including contamination of primary  
13 and associated surface and groundwater bodies  
14 that might be affected by excursions through  
15 fractures and fissures.

16 Require the company to demonstrate that of  
17 all the competing interests for water, its  
18 project is the highest and best use. We think  
19 not.

20 Require all phases of the mining  
21 process/procedure to be timely monitored by an  
22 independent agency. No self-monitoring.

23 Identify existing remedial technologies and  
24 their costs and develop realistic financial  
25 parameters for remediation.

1           Require the company to post to the state a  
2           bond commensurate with any risks so that we  
3           taxpayers aren't stuck paying for what should be  
4           the company's responsibility. After all, unlike  
5           ordinary taxpayers, the company doesn't even  
6           have to pay for the millions of gallons of water  
7           they will be using.

8           Require NEPA, the federal government's  
9           environmental review process, to engage an  
10          in-depth consultation with all parties protected  
11          under the Native American tribal treaties  
12          regarding their cultural, health, and  
13          environmental interests and concerns,  
14          demonstrating in a substantial way that the  
15          mining company honors this supreme law of the  
16          land.

17          This should take on even more importance now  
18          since our president announced to the world at  
19          the United Nations last month that he's setting  
20          aside \$25 million to protect religious freedom,  
21          religious sites, and relics, respecting the  
22          rights of all people. That includes the Lakota  
23          people here. Thank you.

24                 PRESIDING OFFICER HALL: Thank you.

25                 Is Speaker 14 available?

1           SARAH PETERSON: My name is Sarah Peterson.  
2           And thank you for coming to visit us again, but  
3           this is getting old.

4           I ask you not to permit any waste wells to  
5           Azarga. They have no money and are asking you  
6           to break the law. NEPA is a federal law which  
7           requires a cultural assessment to be done in  
8           conjunction with the tribes.

9           Azarga wants you to use the cultural  
10          assessment they did for the NRC permitting  
11          process because they don't have the money to do  
12          another cultural assessment. The cultural  
13          assessment they did for the NRC was not done  
14          with tribal consultation and was ruled by the  
15          District of Columbia courts grossly lacking and  
16          thrown out.

17          Azarga doesn't have the money to fill the  
18          nearly 8,000 boreholes on the project site that  
19          the NRC made a condition before any activity is  
20          started on the site. Now they are asking you to  
21          only fill the boreholes around the Class IV --  
22          no, four Class V wells. The wells are for  
23          nothing stronger than stormwater -- storm sewer  
24          water. Nobody has the technology to turn  
25          uranium tailings and toxins filled with

1           lixiviants into stormwater.

2           If Azarga is given the permit for the wells,  
3           you, the EPA, will require no monitoring wells,  
4           and there will be no boots on the ground to see  
5           what is being put in these wells. The only  
6           wells that will indicate toxins will be our  
7           wells.

8           The waste wells in the Minnelusa Aquifer,  
9           which is above the Madison, our drinking water  
10          here in Hot Springs, the EPA requires there be  
11          crystalline layers between the aquifers. There  
12          is no crystalline layer between the Minnelusa  
13          and the Madison. They are, again, wanting you  
14          to break your own policies.

15          Azarga will be able to import toxic waste  
16          not only from the United States but all over the  
17          world. Fall River County will become the  
18          world's toxic dump.

19          Crow Butte, Anderson Ranch, and the  
20          Highlands, and other in-situ leach mines in  
21          Wyoming have mined for 20 years on one waste  
22          well. Why on earth would you consider four  
23          toxic mining waste wells for a company that  
24          can't even afford to fill the nearly 8,000  
25          boreholes on this site? It's obvious -- it

1 obviously won't be filled with the Dewey-Burdock  
2 uranium in-situ mine -- mining waste.

3 The history of this lethal activity has been  
4 done here because of, quote, as an outcome of  
5 the Los Alamos and NAS studies that formulate --  
6 was formulated of a secret federal policy option  
7 declaring the Four Corners, and the Black Hills  
8 region of the northern plains as well -- this is  
9 a quote from a book. We finally have found the  
10 documentation of the -- this being a sacrifice  
11 area.

12 And that's what this is. We are collateral  
13 damage. And this was done in the interest of  
14 the development of energy. And I have this  
15 attachment and the cites, the cites -- the  
16 citing, the footnotes where this information  
17 came from.

18 I know right now in our history there are  
19 people in power of whom the law, the letter of  
20 the law, the rule of law, and the spirit of law  
21 has no meaning. It seems Azarga is seizing this  
22 moment and banking on the corrupt environment  
23 that permeates our government to get something  
24 for nothing.

25 I do believe there are people that are



1 dedicated, honest, and who have integrity who  
2 work for the EPA because they believe in the  
3 mission of the EPA. The EPA was formed to  
4 protect the people from corporations that are --  
5 that were and are still poisoning the water,  
6 air, and ground. The poison was and still is  
7 killing people and all life.

8 I ask you to do your job, protect us and not  
9 the corporations.

10 PRESIDING OFFICER HALL: Thank you.

11 KAREN ELLISON: My name is Karen Ellison.

12 UNIDENTIFIED AUDIENCE MEMBER: Can you talk  
13 closer?

14 KAREN ELLISON: Yes. My name is Karen  
15 Ellison.

16 The EPA wants to disregard the cultural  
17 impact of the proposed Dewey-Burdock uranium  
18 mining project and evaluate impacts from only a  
19 technical and scientific perspective. The  
20 dictionary defines "culture" as the customs,  
21 art, history, and intellectual achievements of a  
22 people or nation.

23 Disregarding indigenous culture in your  
24 evaluation is just a perfect reflection of what  
25 our American culture has become. Putting the

1           almighty dollar, or yuan or ruble in this case  
2           since Azarga is mostly a Chinese and Russian  
3           company, ahead of what really matters, what is  
4           right, what is safe, and good for all.

5           Disregarding indigenous culture in your  
6           evaluation shows just how little you know about  
7           indigenous culture. Culture is so much more  
8           than arrowheads in a field somewhere or an  
9           ancient burial site.

10          I'm no expert on it, but I've learned this:  
11          Native Americans know, respect the land.  
12          Disrespect the land, and eventually it could  
13          disrespect you, us.

14          That's more than an intellectual achievement  
15          of their culture. It's a basic principle of the  
16          people and one that ironically and sadly seems  
17          to be so very lacking from American culture.  
18          You are overlooking so much more than you know  
19          by disregarding it.

20          The EPA is responsible for its own cultural  
21          and scientific analysis, and you can't rely on  
22          the NRC's flawed, inadequate, and  
23          still-tied-up-in-court record on cultural impact  
24          of this project.

25          The EPA cannot prove that this project is

1 safe and makes no effort to respect indigenous  
2 culture and the Earth, so it should deny the  
3 permits.

4 PRESIDING OFFICER HALL: Thank you.

5 We'll take Speakers 16, 17, and 18. 16 can  
6 go directly to one of the two microphones, and  
7 17 and 18 can wait in the chairs. And then  
8 we'll take a brief break after 16, 17, and 18.  
9 Thank you.

10 DONALD HOTZ: Good morning. And thank you  
11 for allowing me to speak here. I'm -- I'm going  
12 to speak on a personal level from health issues  
13 and educational issues.

14 My name is Donald J. Hotz, and I have lived  
15 in the Black Hills for about 28 years now. I  
16 was in education all my life, basically, and I  
17 retired after about 31 years of educational  
18 service to special education students.

19 When I started teaching, I worked with  
20 handicapped people and disadvantaged people, and  
21 I really got a good view of what cripples people  
22 and -- and what really affects their lives.

23 And one of our main goals in the American  
24 culture is to have life, liberty, and pursuit of  
25 happiness. And many of those rights are -- they

1 are guaranteed to us, but we can't always  
2 achieve those, and especially the disadvantaged  
3 and the unhealthy.

4 I was really healthy until I was about 33  
5 years old. I started teaching at Edgemont,  
6 South Dakota, and the apartments that I were  
7 living -- that I was living in had uranium  
8 tailings placed around it. And this is  
9 low-level radiation.

10 And sometimes they say they don't know what  
11 low-level radiation does to people, but they  
12 have government studies and government books out  
13 that tell exactly what low-level radiation does  
14 to people.

15 What it did to me, basically, was wreck my  
16 life and my career at the time. I began my  
17 first public teaching job at Edgemont. And I  
18 was in the best shape I had ever been in my life  
19 at 32 going there, and within six months, I was  
20 in the worst shape I had ever been in my life.

21 And all my health problems can't be blamed  
22 on uranium, but my exaggerated problems with  
23 allergies and lung problems and all this  
24 basically erupted when I lived at Edgemont  
25 around those uranium tailings that were produced

1 by the Silver King Mines and given away free to  
2 people to contaminate Edgemont.

3 So anyway, after living there for two years,  
4 and the last 18 months in really poor health and  
5 basically just getting out of bed to go to work  
6 and then coming home and going to bed just so I  
7 could get through the night and the next day,  
8 and that went on for the 18 months.

9 And then I -- I finally, I got another job.  
10 And my health got a little bit better gradually  
11 as I got away from Edgemont and from the Silver  
12 King's uranium tailings.

13 So I guess, to make a long story short, the  
14 government does know what the low-level  
15 radiation does to our health, and many of them  
16 don't understand that when we're at a lower  
17 functioning level, our productivity is lower,  
18 and we have more health issues.

19 We're more of a burden on the -- on the  
20 insurance that we have to collect. We don't do  
21 our jobs as well. And it's just -- it's a tough  
22 life. And you can't really see how that affects  
23 someone unless you walk in their shoes.

24 The last thing I'd like to say is that I  
25 have friends from Colorado that, they lived here

1           and had a business here. And they helped encase  
2           a whole building in Colorado somewhere that  
3           Silver King left that was contaminated. And  
4           they -- their health went bad after they helped  
5           encase this building in cement.

6           So I just hope that we can have more respect  
7           for the land and the people and the water  
8           resources and the spirit of this land, not just  
9           to use it and abuse it, but to try to follow  
10          some good rules and laws to protect it.

11          That's all I have. Thank you.

12          PRESIDING OFFICER HALL: Thank you.

13          You can come up.

14          JEAN ROACH: I brought Theresa with me. But  
15          our numbers are different, but I'd feel more  
16          comfortable if she spoke before me.

17          PRESIDING OFFICER HALL: Yeah, sure.

18          THERESA BLACK OWL: (Speaking in indigenous  
19          language.)

20          So I said I want to shake you guys' hand  
21          with my heart. And today I just want to say  
22          that these treaties are very important. Treaty  
23          law is the supreme law of the land, and this is  
24          something that the United States has never  
25          honored. They have never honored a treaty.

1           You know, you're all still living on stolen  
2           land, don't you? I think you guys need to start  
3           recognizing this because it's starting to happen  
4           right before your eyes, whether you want to  
5           acknowledge it or not. Native people are  
6           standing up all over America.

7           I just want you to think about this. Okay?

8           (Speaking in indigenous language.)

9           Oh, my name is Theresa Black Owl.

10          PRESIDING OFFICER HALL: Thank you.

11          Can you leave your speaker card in the box.

12          Thank you.

13          JEAN ROACH: Good morning. My name is Jean  
14          Roach. I'm from the Cheyenne River Sioux Tribe.  
15          I lived in Rapid City for most of my life.

16          I'm just real concerned because I feel that  
17          we've always been ignored, like Theresa and  
18          everybody has been talking about our treaties,  
19          that we have. And if anybody wants to, you  
20          know, start a conversation with the Lakota  
21          nation, this would be a great place to do a good  
22          faith gesture and honor us.

23          We're tired of being abused, stereotyped,  
24          treated as if our words don't mean nothing. But  
25          we are here. And a lot of us, we don't speak

1           our language no more. Like I have, I've been --  
2           my grandparents had been through the boarding  
3           schools, beaten, and all kinds of terrible  
4           things because of our language.

5           But one thing that I do know that we've kept  
6           in our hearts is that we have respect for our  
7           Earth and our water.

8           And I just hope that -- well, one thing, one  
9           question is how only a couple people can make a  
10          decision for so many people and you don't even  
11          live here. So if our water gets contaminated,  
12          you don't have to think about it or drink the  
13          water.

14          And if you took a shower here, I wouldn't  
15          even think about that. Because it is -- it's  
16          been contaminated since the first uranium spill.  
17          And it's proven it hasn't changed much. It's  
18          still very toxic.

19          And our water has been ignored. And it's a  
20          living being or entity. Our water has life. So  
21          that when you take water in to nourish your  
22          body, we'd like to have clean, pure stuff for  
23          our grandchildren and their grandchildren. We  
24          survived this far. You know, our people have  
25          been massacred, you know, belittled, whatever.



1 But I just hope that the rumors about the  
2 EPA being controlled by, you know, the 1 percent  
3 billionaires is not true. Because they don't  
4 care, and they will sell us the water later  
5 anyway, and you might have to buy it, too.  
6 Thank you.

7 (Speaking in indigenous language.)

8 PRESIDING OFFICER HALL: Thank you.

9 We are going to take a brief 15-minute break  
10 and reconvene just before 10:45. Thank you.  
11 And we'll start with Speaker 19 at that time.

12 (A recess was taken from  
13 10:28 a.m. until 10:44 a.m.)

14 PRESIDING OFFICER HALL: We're going to go  
15 back on the record now.

16 If I could call Speakers 19, 20, and 21,  
17 please. Speaker 19 can go directly to one of  
18 the two microphones, and Speakers 20 and 21 can  
19 wait in the chairs at the bottom of the stairs.

20 EILEEN OHLIGER: Good morning. My name is  
21 Eileen Ohliger, O-H-L-I-G-E-R. And I'm a  
22 resident of Hot Springs.

23 I'm originally from New Jersey, so I'm very  
24 familiar with issues of pollution and the  
25 effects after Superfund sites have been

1       established, and I'm totally against all of this  
2       and anything having to do with the uranium  
3       mining.

4       The EPA was established as a protection  
5       agency to control pollution and to foresee  
6       problems dealing with all levels of  
7       environmental decay;

8       To consider all possible negative impacts on  
9       human health, taking into consideration all  
10      scientific and cultural perspectives, which are  
11      very important and must be taken into  
12      consideration;

13      To lower costs of cleanup actions, making  
14      sure that companies in question have appropriate  
15      funding to restore any damage done, not leaving  
16      the responsibility on the people after a  
17      disaster;

18      Also to not pass on the grim consequences of  
19      the unprevented disasters to our children and  
20      their children to the younger generation.

21      These are all issues and points that were  
22      brought up in the beginning in the 1970s for the  
23      EPA. And today I feel that, as a citizen, as a  
24      concerned person, as someone who feels that the  
25      water is sacred, that we must protect the water

1           and that these -- just these three points  
2           brought up still need to be addressed and are  
3           not being addressed.

4           As a citizen and a person, I don't feel --  
5           I'm not comfortable with all of this. And I  
6           truly believe that eventually that we don't want  
7           to leave a disaster for our children and for  
8           future generations. And I don't support  
9           anything presently that's going on. Thank you.

10          PRESIDING OFFICER HALL: Thank you.

11          RENO RED CLOUD: Good morning.

12          PRESIDING OFFICER HALL: Good morning.

13          RENO RED CLOUD: My name is -- can you hear  
14          me?

15                 My name is Reno Red Cloud. I'm with the  
16                 Oglala Sioux Tribe, Water Resource Department.  
17                 I am the great-grandson of Chief Red Cloud. I  
18                 am the sixth generation. And I just wanted to  
19                 give some comments today concerning our position  
20                 with these water -- draft water permits.

21                 First of all, I think these draft water  
22                 permits are coming from the Black Hills aquifer,  
23                 and they are recharged for our aquifers on the  
24                 reservation, originally the Ogallala Aquifer,  
25                 so -- and then the Cheyenne River is the

1 headwaters for our surface and groundwater. And  
2 those are -- the sources are interconnected.  
3 That's how we believe, they are interconnected,  
4 surface and groundwater.

5 And I do have a history of working with the  
6 EPA. I was an employee for the Mni Wiconi water  
7 project for 16 years. I worked with the Region  
8 Tribal water program, so I have an insight of  
9 the Safe Drinking Water Act and the compliance  
10 and regulations.

11 And right now, I did -- back in about three  
12 years ago, there was a deep injection well  
13 proposed in South Dakota by the South Dakota  
14 School of Mines, and I gave testimony at that,  
15 opposing it. And I don't think that it ever  
16 went anywhere.

17 But I think any type of deep wastewater  
18 injection in our homeland, the treaty land is --  
19 is not -- not acceptable because of our -- this  
20 is our -- this is our survival. This is our  
21 homeland. This is where we -- existence is  
22 from, the Black Hills here, so our culture, our  
23 livelihood, our survival.

24 Okay. I have some notes here, but -- I  
25 asked three questions that I did send. I'm just

1 going to read them to you.

2 The Question Number 1 was: What triggered  
3 the reissuance of the draft 2017 water permits?  
4 I know this is just a public hearing, but I just  
5 want you to hear my questions.

6 The second one was: When was the decision  
7 made to reissue the water permits, and by whom?

8 And the third one is: What are the  
9 substantive differences between the 2017 and  
10 2019 draft water permits?

11 And the last one is: Is there a document  
12 that compares the 2017 and 2019 draft water  
13 permits?

14 Because our concern is, to drill and pull  
15 water from these aquifers, the Madison,  
16 Minnelusa, and then inject the wastewater into  
17 the Inyan Kara, that's insane. Anything that is  
18 a contaminant should not be brought out or put  
19 back into the ground.

20 As a water administrator for the Water  
21 Resource Department, I have deep concerns  
22 because we're right downstream from the aquifers  
23 and the surface waters. All this mining and all  
24 this -- you know, all the pipelines, everything  
25 that's going on now is just -- it's just

1           destroying our planet, destroying our Unci Maka.

2           So my concern today is with these draft  
3           water permits. I know the State of South Dakota  
4           Water Management Board is waiting on you guys'  
5           decision, but I would like to see you look at  
6           our concerns from the environment.

7           Because I know the Environmental Protection  
8           Agency, you're supposed to have a source water  
9           protection program, and I would like to see that  
10          implemented in these decisions.

11          And you've got different parties involved in  
12          this. You've got the State of South Dakota, the  
13          federal. But what about our tribal input? That  
14          needs to be part of the decision-making process.

15          So what our concerns are today, I would like  
16          to have considered and acted upon in this  
17          decision of these draft water permits. That's  
18          just my concern.

19          And I know that our tribe is going to be  
20          looking with EPA for future consultation, too,  
21          so that's going to be scheduled. But just -- I  
22          just have concerns that our culture, our  
23          livelihood, our survival is in our water because  
24          water is sacred to us. Thank you.

25          PRESIDING OFFICER HALL: Thank you.

1           DAR RED HAWK: First of all, I would like to  
2 address my people who are here.

3           (Speaking in indigenous language.)

4           I just told them that, in my language my  
5 Lakota name is the Last One to Return, and that  
6 was given to me by my grandmother because my  
7 father was in the U.S. military. And out of  
8 five brothers, he was the last one who came home  
9 from the military. And he -- he died later on.  
10 He was in the U.S. Army.

11           And my -- that was my given Lakota name. My  
12 English name is Dar Red Hawk. And I'm also  
13 Lakota from Pine Ridge, South Dakota, on the  
14 reservation. And on my grandmother and my  
15 great-grandmother's side, I'm also Northern  
16 Cheyenne, and I'm the  
17 great-great-great-granddaughter of Crazy Horse.

18           And, you know, I just wanted to say that all  
19 this poisoning thing that is going on on all  
20 lands, especially Native land, they are trying  
21 to get rid of us, but we're still here. And we  
22 are the -- and our ancestors still live within  
23 us.

24           And I'm really proud of that because I'm  
25 also -- I've also been educated in a white man's

1 world. And there are a lot of us out there,  
2 Natives, who have degrees, who teach, and who  
3 pass our knowledge on to the younger ones.

4 And I'm really proud of Mr. Andrew Catt for  
5 bringing his grandkids because they are the next  
6 generation who are going to learn about what's  
7 been going on on our Native lands, as well as --  
8 as well as that land that doesn't exist on the  
9 reservation.

10 And I -- I do a lot of medicinal herbs, like  
11 a botanist, but I brought some plants and herbs  
12 here that I study. And through my  
13 great-grandfather and some uncles of mine, they  
14 taught me the study of plant life.

15 I have five plants here that grow within the  
16 Black Hills and the reservation lands. And one  
17 time out of every year, we go to harvest these.  
18 This is -- it's called -- you call it  
19 kinnikinnick. It's the bark and the inner layer  
20 of the chokecherry tree that we dry and we smoke  
21 in our pipes.

22 It's nonchemical. There's no chemicals in  
23 it. It's natural. And my grandfather used to  
24 say when you smoke that, you smoke it with  
25 reverence and respect to Mother Earth. And



1           there's actually healing properties in all these  
2           plants.

3           And he says, the kinnikinnick, if you smoke  
4           it without the medicinal -- without the  
5           chemicals in it, it has a healing power for your  
6           lungs and your upper gastric system.

7           And I also have sage. And a lot of you do  
8           use sage, I know, a lot of cooking. For us, we  
9           make tea out of it, and that's also good for  
10          your upper gastric and your gastrointestinal.  
11          And those of you who don't understand, that  
12          means your esophagus that goes down to your  
13          stomach.

14          We smudge. I don't know if any of you know  
15          what smudge is. What we do is when we get up in  
16          the mornings, we pray with it for -- for good,  
17          for our health, for the health of the people.  
18          And that helps -- we believe, that takes away  
19          the bad spirits and help us be more focused.  
20          But it's in the belief system. It's in our  
21          belief system that this works for us.

22          Another one is cedar. And cedar also works  
23          the same as sage. We burn it. We can make tea  
24          of it. And I used to live in southern Illinois  
25          where it's really humid. And with my plants --

1 with my study of plants and herbs, I got to know  
2 a lot of plants and herbs everywhere I went.

3 And I -- I suffer with a lot of allergies  
4 now to the environment, to the Earth, just  
5 different things that -- the poisonous things  
6 that's put into our Earth comes up in the water,  
7 whatever you eat, the animals, the food, the  
8 vegetation life.

9 Well, I came home one time -- and I used to  
10 really abuse Benadryl. Benadryl is good for  
11 allergies, for hives, whatever, in the white  
12 man's world. I'm sorry I have to use that term,  
13 but -- so I went to a ceremony, and my uncle  
14 gave me this herb. He said, Use this. He said,  
15 I'll show you how to use it and when to use it.

16 And this herb, when you burn it, you let it  
17 burn until it fizzles out, and then you inhale  
18 the smoke a little, hold it, and breathe it back  
19 out, just a couple of seconds. And it's good  
20 for allergies, it clears my head. I have  
21 sinusitis. I don't know if you can tell by my  
22 voice.

23 But it really helps. And I've never gone to  
24 the -- I go to the hospital, but I haven't gone  
25 to the hospital for any allergy pills because of

1           this. And we use it sparingly. All the plants  
2           and plant life that we use, we use it sparingly.  
3           It works for us.

4           If you allow this injection or the pollution  
5           of our land to continue, you will make our  
6           plants sick also. And with that, it won't work  
7           for us because plants are our powerful medicine.  
8           You have to believe in it, and that's where the  
9           pharmaceutical people get their knowledge from,  
10          is our plants.

11          You know, and I hate to say it, but even  
12          pharmaceutical companies abuse our land. They  
13          add chemicals to things that would make this  
14          even more powerful. But they give it to you in  
15          milligrams, in drops, whereas the real thing  
16          works a lot better because it's -- it's not  
17          powered up, it's not powered down. It's just  
18          natural the way it is, you know.

19          And I just wanted to bring this to your  
20          attention because if you kill the planet, if you  
21          kill our water, this also goes. And you'll lose  
22          your pharmaceutical stuff. None of the plants  
23          and herbs are going to work for even people out  
24          there who need it.

25          And incidentally, the aquifers, seven states

1           rely on this aquifer. And if you kill these  
2           aquifers, you're going to kill plant life, even  
3           the food you eat. Nebraska, Kansas, Missouri,  
4           they are all fully agricultural places. They  
5           grow the corn, the wheat. What about the beef?  
6           I know a lot of us are beef-eaters, and some of  
7           us are vegetarians or want to be or whatever.

8           But just think, if you kill the water, you  
9           kill everything, yourself eventually. Like the  
10          gentleman who was up here, he said he got sick  
11          because of trailings.

12          I know you guys probably sit up there in  
13          D.C., high and mighty because you don't know  
14          what our life is like downstream, you know. I  
15          just want to bring that to your attention  
16          because with the study of plant life, medicinal  
17          herbs, there's a lot of us who still live this  
18          way. And I'm proud to say that I am one of  
19          them.

20          And we have elderly at home, young children  
21          we teach. We're teaching our language back to  
22          the children. Thank you for our elderly who are  
23          here who can do that for us before everything is  
24          lost -- plant life, the cattle, the food we eat.

25          PRESIDING OFFICER HALL: Ms. Red Hawk, I

1           have to ask you to wrap up your comments,  
2           please.

3           DAR RED HAWK: I will.

4           Well, I just wanted to bring this to  
5           everybody's attention because this is my concern  
6           also, is our medicinal herbs. Thank you for  
7           listening to me.

8           PRESIDING OFFICER HALL: Thank you.

9           We're ready for Speakers 22, 23, 24.  
10          Speaker 22 can go directly to one of the two  
11          microphones, and 23 and 24 can wait in the  
12          chairs at the bottom of the stairs.

13          FOXY ONEFEATHER: Hello. My name is Foxy  
14          Onefeather, and I live in Lower Brule,  
15          South Dakota, which is the home of the Kul  
16          Wicasa Oyate. And I'm not coming with, like,  
17          data, facts or anything, but -- because we all  
18          know that what's happening here is toxic to the  
19          people, the animals, the plants, the air, the  
20          water.

21          You guys probably don't care because it  
22          doesn't affect you directly, but it affects our  
23          people. Not only are you not upholding the  
24          treaties, but you're not taking into  
25          consideration that the Black Hills is sacred,

1           period. And I just want to say that -- just  
2           leave it alone. Just leave it alone. Just  
3           leave it alone. That's it.

4           PRESIDING OFFICER HALL: Thank you.

5           JULIE SANTELLA: My name is Julie Santella.  
6           I have a bunch of things to say because I have a  
7           lot of concerns about the hundreds of pages of  
8           these draft permits.

9           One important thing to say is that the EPA's  
10          requesting information on traditional cultural  
11          properties, on potential adverse effects to  
12          traditional cultural properties, per Section 106  
13          of the National Historic Preservation Act.

14          If that is true, then these draft permits  
15          should not have been issued prior to meaningful  
16          tribal consultation taking place, period.  
17          Period. So I can't believe that you're actually  
18          concerned about that because -- because that's  
19          the case.

20          The second thing that is really concerning  
21          is that in these documents, you say that the  
22          Nuclear Regulatory Commission's review of  
23          cultural resources appears sufficient. The  
24          Atomic Safety Licensing Board disagrees with  
25          you.

1           The D.C. District Court of Appeals disagrees  
2           with you. The NRC's analysis of cultural  
3           resources has been deemed illegal, and so it  
4           doesn't give me a lot of confidence in the EPA  
5           that your documentation doesn't reflect that.

6           The third thing that I wanted to bring is  
7           that the EPA can't just consider impacts to  
8           underground sources of drinking water or effects  
9           to human health from a scientific perspective or  
10          from a legal perspective. You also ask for  
11          feedback on your environmental justice analysis,  
12          which I have a lot to say about, and I'll be  
13          providing written comments.

14          But one of the things that I have concerns  
15          about is that the EPA is trying to say that  
16          treaties -- that we acknowledge that treaties  
17          exist, and that we acknowledge the Black Hills  
18          is a sacred site, but that those issues are  
19          separate from the scientific considerations of  
20          threats to underground sources of drinking  
21          water.

22          There's a lot of things to say about that,  
23          but one thing is that that's illegal, that the  
24          EPA can't separate those things out. And  
25          there -- that's by your own law.

1           So the last thing I want to do is just read  
2           out to you a few regulations under your own  
3           system of law that requires you to consider  
4           issues of treaty and issues related to culture  
5           and spiritual significance.

6           The National Historic Preservation Act,  
7           Section 101(d)(6)(B) requires any federal  
8           agency, that includes the EPA, to consult with  
9           any Indian tribe or Native Hawaiian organization  
10          that attaches religious and cultural  
11          significance to historic properties that may be  
12          affected by an undertaking.

13          That is this project.

14          Executive Orders 13007 and 13175 require the  
15          federal government to honor treaty rights and  
16          avoid any action that may adversely affect  
17          access to, ceremonial use of, or the physical  
18          integrity of sacred sites. That also applies to  
19          this project, and the EPA is bound by those  
20          orders.

21          Article Six of the U.S. Constitution says  
22          that treaties remain the supreme law of the  
23          land. The Supreme Court in 1980 ruled that the  
24          U.S. Government indeed violated the 1851 and  
25          1868 Fort Laramie treaties and stole this land.



1 I don't think any of those laws have  
2 asterisks behind them that say, you know, these  
3 apply, but if an agency decides that they don't  
4 want to abide by them, then they don't have to.  
5 That's not true of any of these.

6 National Historic Preservation Act,  
7 executive orders, the U.S. Constitution, Supreme  
8 Court law, the NRC's decision, the D.C. Court of  
9 Appeals, these -- you can't -- the EPA is not  
10 allowed to ignore -- this is your own system of  
11 law that holds you to these things.

12 So I wanted to remind you today that you all  
13 have obligations and that if you continue to  
14 fail to fulfill those obligations, then we will  
15 be here to remind you of them.

16 PRESIDING OFFICER HALL: Thank you.

17 REGINA BRAVE: My name is Regina Brave. I'm  
18 from Oglala on the Pine Ridge Reservation.

19 I too experienced Catholic boarding school  
20 and the system, but I'm here on account of --  
21 from what I've learned. My great-grandfather's  
22 name is Ohitika.

23 UNIDENTIFIED AUDIENCE MEMBER: Could you  
24 speak louder, please?

25 REGINA BRAVE: He knew -- my

1 great-grandfather's name is Ohitika. He  
2 negotiated the treaty of 1868 at Fort Laramie on  
3 April 29th on behalf of Mahpiua Luta, Red Cloud.

4 The Fort Laramie Treaty of 1868 is a  
5 nation-to-nation peace treaty. Yet in 1876, the  
6 United States sent the Seventh Cavalry after our  
7 people in violation of that treaty that was  
8 ratified on February 16, 1869, and proclaimed on  
9 February 24th, 1869.

10 This marks the 150th anniversary of a treaty  
11 that we are sovereign. Our people are sovereign  
12 within this treaty territory, which starts from  
13 the mouth of the Missouri River, crosses part of  
14 Wyoming. All the rivers are within treaty  
15 territory.

16 They went to the south of the Platte River  
17 in Nebraska all the way to what is now known as  
18 Omaha and Council Bluffs and went back up on the  
19 east bank of the Missouri River, all the way  
20 back to the mouth of the Missouri.

21 And then Mahpiua Luta declared war against  
22 the United States because people were coming  
23 across from the east going west. And when he  
24 stood on a ridge, which is at a place called  
25 Story in Wyoming -- I was there, I seen that

1       butte where he stood with his people and watched  
2       the wagon trains going west, but none were going  
3       back east. So he knew at that point that these  
4       people who were going in that direction, there  
5       had to be more coming from the east.

6               That's when he declared war. That's when he  
7       laid out his treaty territory. And he won it, a  
8       nation-to-nation treaty. He wanted us to have  
9       our own country so that we would have exclusive  
10      use of it. And there's other things in the  
11      treaty.

12             And yet when this treaty was taken back to  
13      Washington, D.C., the people who came, the  
14      commissioners who came, stopped in Chicago,  
15      Illinois, and doctored it.

16             One of the articles in that treaty is Red  
17      Cloud would allow the United States to come and  
18      get gold out of the Black Hills since it was  
19      important to the non-Indian people. And he  
20      said, on one condition, that half of the gold  
21      that was taken out of the Black Hills would be  
22      placed in special appropriations for our seventh  
23      generation.

24             And yet seven years later, on June 26, 1876,  
25      the United States violated that so-called peace

1 treaty. The Fort Laramie Treaty says it's a  
2 peace treaty that our nation and your nation  
3 would never go to war. So they violated that.

4 When our people beat Custer, Reno, Benteen,  
5 and Crook at Little Bighorn, when they returned  
6 to their homelands where they were in charge of  
7 protecting treaty territory, soldiers were  
8 waiting.

9 We became prisoners of war. So for 143  
10 years, our people have been prisoners of war on  
11 these places you call reservations. Those are  
12 prison camps.

13 When that treaty was ratified on February  
14 20th -- on February 16th and proclaimed on  
15 February 24th, 1869, which marked the 150th  
16 anniversary, it was a time for our people to  
17 take back that sovereignty, take back that  
18 treaty territory. This is our land.

19 And all of you people who live within it are  
20 innocent of your own history that the United  
21 States chose not to put in your books, so you're  
22 getting this history. And what I'm here about  
23 is all the people that live within our treaty  
24 territory are affected. You are part of our  
25 people and who we are.

1           You the farmers and ranchers who put the  
2           food on the table that the people eat, just  
3           wasted on the grocery shelves across this  
4           country. And when you work, you work 24/7. You  
5           don't get paid by the hour. Cows don't have  
6           their calves between 8:00 and 5:00. My dad was  
7           a rancher. We know that. And you farmers and  
8           ranchers know that.

9           You're out there late at night, farming your  
10          crops, putting those crops to the processing  
11          plants which exist in Colorado. Like Darlene  
12          said, this aquifer feeds eight states in this  
13          country, called the Ogallala Aquifer. The Black  
14          Hills itself has five groups under the Inyan  
15          Kara -- call it "Inyan Kara" -- and it affects  
16          all the people within this area.

17          And I'm glad we're here in Hot Springs  
18          because at one time, Igloo was known as the  
19          leukemia capital of the world. So many of the  
20          children there were dying of leukemia. And you  
21          don't hear about it anymore. That's another  
22          piece of history that is not in the books.

23          But we know about it because our people  
24          worked in Igloo. And 20 -- 15, 20 years later,  
25          our people started getting cancer, dying of

1           uterine cancer, liver cancer, you name it.  
2           Women and men worked there, and they passed this  
3           on, the cancer.

4           Young women were losing their children  
5           because if something was wrong with you, your  
6           natural -- your body would naturally reject the  
7           body -- I mean the baby. So something was wrong  
8           with these children that were aborted,  
9           self-aborted. That's nature taking care of its  
10          own. And we still suffer from the effects of  
11          all this contamination.

12          And they came here before. And they get  
13          into that aquifer, what they are going to do is  
14          pump that water back in. They say that it's  
15          going through some kind of system where they are  
16          going to change it back. Nobody can change it  
17          back to its original form.

18          So when people out there, outside of treaty  
19          territory, when their food starts disappearing  
20          off the shelves, when the food prices go up and  
21          we're facing a major food shortage, it's because  
22          our waters are being poisoned. Our people, our  
23          animals, our children, we will all starve,  
24          watching things die.

25          Water is sacred. I went to a water -- water

1 summit in Rapid City at the Ramkota. And I was  
2 really, really proud of the young people, young  
3 Native people, young indigenous people who put  
4 it on to tell the people that water is sacred.  
5 And this is what we were protecting here. This  
6 is what we were protecting at Standing Rock.  
7 And this is what we were born for --

8 PRESIDING OFFICER HALL: Ms. Brave, I have  
9 to ask you --

10 REGINA BRAVE: -- to always remember --

11 UNIDENTIFIED AUDIENCE MEMBER: Can I give  
12 her my time, please.

13 REGINA BRAVE: -- that the seventh  
14 generation is who we are protecting it for, and  
15 for your seventh generation. For all the people  
16 who live in the Black Hills area on reservations  
17 and who are teachers and whoever you are are  
18 innocent of this treaty.

19 Now you know that what I am going to do is  
20 file a suit against the United States of America  
21 and its entities. And I have a little -- I  
22 can't draw. But the head is the United States.  
23 The body is the Department of Interior, which  
24 was the Department of War, changed to the  
25 Department of Interior.

1           And the people you see here are truly  
2           innocent because they weren't told any of this  
3           either about the treaties. But there's eight  
4           entities which are the legs of this spider,  
5           which are the United States -- the U.S. Army  
6           Corps of Engineers, the U.S. Environmental  
7           Protection Agency, Department of Environmental  
8           and Natural Resources, U.S. Nuclear Resource  
9           Agency, the Bureau of Indian Affairs, U.S.  
10          Department -- U.S. Forest Service, U.S. National  
11          Park Service, Bureau of Land Management.

12           And I'm charging them with treason against  
13          their own country for working with foreign  
14          entities and representing them. They're  
15          corroborating with our enemy. They are working  
16          for a foreign country using the United States  
17          laws and violating our treaties.

18           I'm working on getting my United States  
19          passport. No laws here can affect us. Colonial  
20          laws are colonial laws. We are a nation here,  
21          sovereign nation here. And these people are  
22          sitting here attempting to get more resources  
23          out of our land.

24           Today, on behalf of the people who live  
25          within treaty territory, I am saying no. It



1 cannot happen. It will not happen. So after  
2 this, I'm getting ready to put this all  
3 together, go to Geneva, and file in court.  
4 Because this is not a colonial issue, this is  
5 not a federal issue. This is a nation issue.  
6 Philamayaye.

7 PRESIDING OFFICER HALL: Okay. Thank you.  
8 We're ready for Speakers 25, 26, and 27,  
9 please. 25 can go directly to one of the two  
10 mics, and 26 and 27 can wait in the chairs.

11 KAREN LITTLE THUNDER: Good morning. My  
12 name is Karen Little Thunder. I live in  
13 Rapid City, and I am a part of the Rosebud Sioux  
14 Tribe. I am here to offer my comments in  
15 opposition to the uranium mining.

16 What I want to say is that you, the  
17 Environmental Protection Agency, must consider  
18 the negative impacts to all health, human and  
19 animal, as well as from a scientific and  
20 technical perspective, both of which I want to  
21 address quickly.

22 My name, like I said, is Little Thunder,  
23 Wakinyan Cikala, and my family status can be  
24 traced, my bloodline can be traced back into the  
25 mid-1500s. This -- so this is my perspective as

1 a Lakota woman.

2 The He Sapa, the Black Hills, and its waters  
3 are life. The Hills are the good health of our  
4 future generations, both yours and ours.  
5 Scientifically speaking, the Lakota presence  
6 here in the Black Hills is proven way back into  
7 the year 1616 BC.

8 We have -- we Lakota people, all indigenous  
9 people have protected this land and sustained  
10 ourselves in good health since the time of our  
11 creation. This land is our good health. This  
12 water is our good health, ours and yours.

13 And when I say from creation, I'm talking  
14 about Inyan Kara. I've heard many of our people  
15 bring this name up, Inyan Kara, because that's  
16 where mining is already happening.

17 Inyan Kara is the place of our creation.  
18 And we have sustained ourselves here in the  
19 Black Hills on Black Hills water since that  
20 time.

21 Our grandchildren and our children are  
22 depending upon us to make good decisions for  
23 their well-being, for their very lives because  
24 water is life. Mni wiconi. Thank you for  
25 allowing me this time to comment.

1           PRESIDING OFFICER HALL: Thank you.

2           FRANK JAMES: My name is Frank James. I'm  
3           from eastern South Dakota. And I guess the  
4           first thing I'd like to say is I'd call on the  
5           EPA to deny these permits, full stop.

6           I'll also say -- and I'm the director of  
7           Dakota Rural Action, a statewide grassroots  
8           group. You've already heard from some of our  
9           members, and you'll hear from more.

10          And the reason I say that is because it  
11          gives me the opportunity to talk to a lot of  
12          people. And yesterday I talked to a farmer from  
13          Hulbert, South Dakota, 40 miles east of the  
14          Missouri River.

15          He told me about a well their family has, an  
16          artesian well, 1900 foot deep. The important  
17          thing is the source of the water for that well  
18          is the Black Hills. Hundreds of miles from the  
19          Black Hills, 1,900 foot deep, they are  
20          pulling -- water is coming out under its own  
21          pressure, tremendous pressure.

22          He said that if it's unregulated, there will  
23          be -- it will produce hundreds of gallons a  
24          minute. And the water comes up warm, warm  
25          enough to keep cattle waterers ice-free in

1 South Dakota winters.

2 And we act like we understand what's going  
3 on under -- under -- under the Earth. To me,  
4 this is science fiction stuff. There's  
5 pressures and things happening with the water  
6 that allow the water to come up hundreds of  
7 miles from its source, under pressure, and with  
8 heat. Incredible.

9 And we act like we know what we're doing.  
10 We don't. You have no idea. And we need to  
11 just listen to the wisdom that's been here  
12 speaking to you and say no. Thank you.

13 PRESIDING OFFICER HALL: Thank you.

14 TERRELL IRON SHELL: (Speaking in indigenous  
15 language.)

16 Greetings, Relatives. I'd like to first  
17 start by greeting each and every one of you with  
18 a warm and heartfelt handshake. My name is  
19 Terrell Iron Shell, and my Lakota name is  
20 Defends the Water. I'm from the Oyuhpe Band of  
21 Oglala Lakota, otherwise known as Crazy Horse's  
22 Band.

23 UNIDENTIFIED AUDIENCE MEMBER: Could you  
24 speak louder, please, or closer to the  
25 microphone.

1           TERRELL IRON SHELL: I am a father, a  
2           community organizer, a nonviolent direct action  
3           trainer, and a representative from the  
4           International Indigenous Youth Council.

5           First off, I would like to acknowledge that  
6           this is indigenous land. Under Article Six of  
7           the U.S. Constitution, under our treaties, I  
8           would like to just remind you that you are our  
9           guests, and we are still the hosts.

10          That being said, the indigenous concerns  
11          about the pollution to the water and the use not  
12          only for drinking water but for ceremonial use  
13          is preposterous that we even have to be standing  
14          here talking about the importance -- the  
15          cultural importance of our water.

16          Because not only do we need it to survive  
17          here whenever we're alive, you know, it's what  
18          is provided to the plants to make use of our  
19          bodies after we're gone. And also it is what we  
20          are surrounded in in the womb.

21          Clean water is a basic human right that our  
22          children are entitled to. They are the ones who  
23          are going to inherit this world from us. And  
24          it's selfish to put their futures on the line  
25          for profits, and to line the pockets of a select

1           few individuals and corporations.

2           Historically, we have never received any  
3           justice from past mining endeavors coming from  
4           corporations, blatant disregard for indigenous  
5           people's health, and also from the shortcomings  
6           of our government and agencies to help protect  
7           and keep our water clean.

8           I am a father of a six-year-old. She comes  
9           to these things with me. She goes all over with  
10          me. And so she is starting to see the work that  
11          we do, the importance of water and sovereignty,  
12          and how those two things are intertwined.

13          So she knows that our water right now stands  
14          in the face of danger, and that we are here to  
15          make sure that you guys are held accountable.

16          Like I said, it's unfair to our youth to put  
17          their water and their future on the line  
18          whenever it comes to these things. They are  
19          learning the importance of water, and they are  
20          starting to see that the ways that this society  
21          and this government are running, they -- their  
22          futures and their lives are not taken into  
23          consideration.

24          If you really want to help our people, then  
25          I call upon you landowners to hand over the

1        deeds of your land to our children. Because not  
2        only is land integral to the growth of our  
3        nation, but also the connection to the land is  
4        what really sustains us and it grounds us.

5            And so having land back in our control, that  
6        we would have the autonomy to decide to do what  
7        we please, it would greatly affect our youth and  
8        help to drop the suicide rates because it would  
9        help to give our youth a sense of pride and the  
10       fact that they are on the land that we had  
11       traditionally inherited from our ancestors.

12           Our youth are tired of standing silent while  
13       older people make decisions for us. And as you  
14       can see, youth all over the country and youth  
15       all over the world are starting to stand up for  
16       their futures.

17           That being said, should these permits go  
18       through? We have one thing to say: Respect us  
19       or expect us. He hecetu.

20           PRESIDING OFFICER HALL: Thank you.

21           We're ready for Speakers 28, 29, and 30,  
22       please. Speaker 28 can go directly to one of  
23       the two mics, and 29 and 30 can wait in the  
24       seats next to the stairs.

25           TATSIANA NOVIKAVA: Hi. My name is Tatsiana

1 Novikava. And I am new American. I am  
2 immigrant. I came here from Belarus, from  
3 dictatorship country.

4 UNIDENTIFIED AUDIENCE MEMBER: Could you  
5 speak louder.

6 TATSIANA NOVIKAVA: Yeah, I could speak  
7 louder.

8 I am living here in Black Hills about five  
9 years, and I consider myself environmental  
10 refugee, because I consider myself Chernobyl  
11 victim. You know about Chernobyl. I cancer  
12 survivor. I am Chernobyl victim. I am victim  
13 of persecution by my government because my  
14 government is dictatorship, and I was  
15 persecuted.

16 I was fighting for my environmental rights  
17 on the United Nations Tribune. I initiated  
18 three cases on the United Nations -- in the  
19 United Nations against my government because my  
20 government was violating my human rights, my  
21 environmental rights. I won all of them.

22 But I am here because I do not want to stay  
23 in the country. I do not want to poison my body  
24 anymore. During decades, twenty years I was  
25 studying in Academy of Sciences of Belarus the



1 effects of low-dose exposure of radiation.

2 And now we know that, for example, my two  
3 cases of cancer are initiated by this situation  
4 of being exposed by low-dose radiation.

5 I am very pissed off that in United States  
6 here, I see the same thing I see in my country.  
7 Well, governmental body just neglect, literally  
8 neglects their duties and violate rules. So we  
9 see that draft permit is issued with grave  
10 violations of the rules.

11 So it was told all of us about all the  
12 violations. I have nothing to add. I will add  
13 in the written form, and I will explain where  
14 violations are.

15 But I wouldn't complain, and I wouldn't say  
16 shame on you. I should say shame on you because  
17 I see dictatorship right here, dictatorship of  
18 corporations and administration, contemporary  
19 administration of the United States.

20 And you follow them, them, but not the  
21 rules. I would tell, I would demand, please  
22 withdraw draft permission and start procedure  
23 again. Start the procedure completely following  
24 your own rules. Complete, please, the  
25 consultation, tribal consultation. You need to

1 complete.

2 And, please, do assessment. You have  
3 professionals. You have professionals of high  
4 level in your agency who knows about impacts of  
5 groundwaters. Inputs of ISR matters, because  
6 you put solution, you put uranium solution into  
7 that water, directly into the water, and you  
8 know that. And you could study this, as you  
9 should. And this is my demand.

10 So also I would add that I have no place to  
11 run away, no place on this Earth, and I would  
12 have to defend this place as my new home. Thank  
13 you.

14 PRESIDING OFFICER HALL: Thank you.

15 ANDY JOHNSON: That's a tough speaker to  
16 follow, and unfortunately, I have to read what I  
17 wrote here. I didn't have to time to print it  
18 out. So I will read through the tears in my  
19 eyes. And I will send my written comments on  
20 the website, because I don't have them printed  
21 out.

22 My name is Dr. Andy Johnson. I live in  
23 Spearfish, South Dakota. I'm a physics  
24 educator. My expertise is in how to teach  
25 radiation literacy. I care about the health of

1 Americans, present and future, including those  
2 living in the southern Black Hills. And there  
3 are people there.

4 I understand that the health of the  
5 ecosystem trumps any human interests because the  
6 ecosystem is bigger than we are. We are merely  
7 members of it, so we are responsible for taking  
8 care of it.

9 I'm descended from European immigrants who  
10 didn't understand the existing ways of Native  
11 Americans. I'm a white man who recognizes that  
12 now is the time that we acknowledge that we're  
13 sitting, literally sitting on land that belongs  
14 to Natives. This is unceded treaty land from  
15 the Treaty of 1868.

16 The proposed ISL mine is also part of these  
17 tribal lands. Because it has not taken the  
18 treaty into account, the EPA's permitting  
19 process is in violation of federal law. Thus,  
20 the EPA is legally obligated to withdraw its  
21 draft permits and restart by negotiating with  
22 the Native nations that hold this land.

23 According to law, the EPA must consider all  
24 potential future impacts of the proposed  
25 activities on this site, be they mining or

1 possibly waste disposal. Looking into the  
2 future, we have to anticipate the stresses of  
3 climate change. Higher temperatures and more  
4 profound droughts will lead to -- will increase  
5 the need for groundwater.

6 The water in this proposed mine area is  
7 being used already by inhabitants and it will be  
8 needed by our children and grandchildren and  
9 following generations. Has the EPA taken this  
10 additional need into account in their permitting  
11 process?

12 No in-situ leach mine has ever returned a  
13 mined aquifer to its original condition. If  
14 this mine is permitted, the aquifers will be  
15 damaged, and they will be contaminated.

16 Testimony today has exposed many questions  
17 about how the mining company will ever be able  
18 to ensure the quality of the aquifers when  
19 there's serious doubt about that. Over a long  
20 enough time, however, eventually these aquifers  
21 should return to their original condition, or at  
22 least to a level where they would be usable  
23 again.

24 But how many decades or how many centuries  
25 will it take for this to happen? Does anyone

1 even know?

2 UNIDENTIFIED AUDIENCE MEMBER: A millennium.

3 ANDY JOHNSON: What if the waste disposals  
4 are used for toxic waste? Then what?

5 Finally, we know that any exposure to  
6 radionuclides introduces mutations into a  
7 population. Some of the mutations will have  
8 health costs.

9 We can't estimate, it's impossible to  
10 estimate the total cost of this additional  
11 genetic burden within a community due to the  
12 added radionuclide contamination due to mining  
13 activities. These costs will be borne by  
14 Americans for many generations.

15 In 1955, Nobel Laureate Hermann Muller  
16 estimated that the genetic burden due to  
17 deleterious contam radiation-induced mutations  
18 will take between 20 to 40 generations to clear  
19 from the gene pool. Has the EPA taken a  
20 realistic estimate of this health burden done  
21 into account?

22 So I'm coming here today to say that the EPA  
23 must withdraw the permits that are the subject  
24 of these hearings and begin the process with  
25 full regard to tribal sovereignty, to the known

1 upcoming challenges of climate change, and  
2 realistic considerations of the health of  
3 affected populations. Thank you for listening.

4 PRESIDING OFFICER HALL: Thank you.

5 CAROL HAYSE: Hello. My name is Carol  
6 Hayse. I live in the Hills. I want to thank  
7 all the eloquent testifiers today. I am not  
8 here to thank the EPA. They have done little  
9 for us in recent history. I am here to thank  
10 you all, you persons of conscience and expertise  
11 and science who keep us all going.

12 So I cannot thank the ex- -- the EPA because  
13 I think it quite likely that they will ignore  
14 the science that's been presented to them today.  
15 I think, based on their recent record, it's --  
16 we know that they will ignore Native treaty  
17 rights.

18 We can be pretty certain that they will  
19 ignore the spiritual rights of our Native  
20 relatives. We can be pretty certain that they  
21 are ignoring the likely fact that Azarga is  
22 trying to do a backdoor waste injection well  
23 situation in the southwest Hills.

24 Knowing that the EPA has not been our friend  
25 in recent years, fails to listen to the science,

1 fails to listen to tribal members who assert  
2 their treaty rights, knowing all of this, I have  
3 to ask, I wonder how Mr. Winter -- Minter and  
4 Ms. Hall, I have to ask how you sleep at night.

5 I have to ask that question. How do you  
6 sleep at night?

7 Fortunately, I have a suggestion for you.  
8 You can become a person of conscience and  
9 integrity. You can start to organize your  
10 fellow scientists in your agency who know that  
11 what is being done is wrong.

12 You can become a person of integrity. You  
13 can take some risks, just like our relatives at  
14 Standing Rock risked their lives to protect the  
15 water. You, Mr. Minter, and you, Ms. Hall, take  
16 some risks in your life. Protect our water.

17 PRESIDING OFFICER HALL: Thank you.

18 We're ready for Speakers 31, 32, and 33.  
19 Speaker 31 can go directly to one of the two  
20 mics, and Speakers 32 and 33 can wait in the two  
21 chairs next to the stairs. Thank you.

22 (Pause.)

23 PRESIDING OFFICER HALL: Is any of Speakers  
24 31, 32, and 33 in the auditorium?

25 STEVEN STEWART: I guess 33 gets to go.

1           PRESIDING OFFICER HALL: All right.

2           LILIAS JARDING: I'm 32.

3           PRESIDING OFFICER HALL: Oh, okay.

4           LILIAS JARDING: It was a bit difficult to  
5 hear you there.

6           My name is Dr. Liliias Jarding. I am, among  
7 other things, a Ph.D. in environmental policy,  
8 and I also come to you today as president of  
9 Clean Water Alliance.

10          You will have full written comments from me  
11 before the December deadline.

12          PRESIDING OFFICER HALL: Thank you.

13          LILIAS JARDING: First things first:  
14 Cultural resources must be protected. EPA's  
15 attempts to remove consideration of cultural and  
16 spiritual issues is illegal. You also should  
17 not piggyback on an insufficient Nuclear  
18 Regulatory Commission process that's been  
19 declared insufficient via federal appeals court.

20          Second, the treaty has been talked --  
21 treaties have been talked about in detail, and I  
22 will not add any details except to say that the  
23 treaties must be respected.

24          Full tribal consultation you have scheduled  
25 is my understanding; however, it should have



1           been done before the 2017 draft permits. And it  
2           should be respected and put into action. It  
3           should come first.

4           You may or may not be aware that in -- after  
5           1874, there was a minerals rush in the Black  
6           Hills as a result of General Custer coming into  
7           the area. We are experiencing this again in the  
8           Black Hills, and we are on guard.

9           We have feast and famine with water use  
10          here, our water availability here. Sometimes  
11          it's drought, and creeks and even rivers run  
12          dry. There's a creek by my home that runs dry  
13          periodically. Or we get too much water.

14          At the Dewey-Burdock site, there was a  
15          freight train that was washed off of the tracks  
16          via water in recent years. All this has ties to  
17          the groundwater. The groundwater and the  
18          surface water are connected, and I would say  
19          that there is too much uncertainty in the water  
20          system in this area to be approving permits.

21          Next, the underground water in the proposed  
22          mining area is underestimated in government  
23          documents. The speed is said to be very slow.  
24          However, Dr. Perry Rahn, who will hopefully  
25          provide written comments also, who is sort of

1 the dean -- well, not sort of, he is the dean of  
2 hydrology in the Black Hills, has done some  
3 research that indicates that the water moves  
4 very quickly in the proposed permit area.

5 The Minnelusa Aquifer is also used for  
6 domestic supply near the proposed mining area.  
7 The water should be tested in that aquifer to  
8 see its quality by a third unbiased party before  
9 any permit is considered further.

10 Next, an exemption, which you are proposing,  
11 would assume that the water in the aquifers  
12 would never be used or needed. This is a  
13 semi-arid area.

14 In addition to groundwater issues in some  
15 places, the Cheyenne River, which is our main  
16 surface water, is contaminated by uranium mining  
17 and milling in the past and by continued open  
18 uranium mines.

19 Two aquifers would be contaminated by this  
20 project. Note that I don't trust mass reverse  
21 osmosis processing, which is proposed for the  
22 Minnelusa.

23 So the question becomes, where do we get  
24 water in 20 or 30 or 100 years? There's only  
25 one solution in my mind, and that is to keep

1 uranium in the ground and to deny the permits.

2 I wrote a poem in 1980, and I still feel the  
3 same way. The Black Hills are at my back and  
4 protect me, as here I make my stand.

5 PRESIDING OFFICER HALL: Thank you.

6 Is Speaker 31 in the auditorium, Tim  
7 O'Connor?

8 STEVEN STEWART: This is new for me. This  
9 is -- my name is Steve Stewart. Everyone calls  
10 me Stu. I'm from Lead. My hat says "Navy."

11 52 years ago, I gave this country a blank  
12 check -- and I'm looking out in the audience,  
13 and I'm sure I have brothers and sisters that  
14 did the same thing -- supporting our  
15 constitution, of which I heard Article Six is  
16 protected.

17 Please make my oath and my blank check  
18 honorable. Do the right thing. Thank you.

19 PRESIDING OFFICER HALL: Thank you.

20 Speakers 34 and 35.

21 MARGARET KING: My name is Margaret King.  
22 I'm here primarily today as a grandmother of  
23 seven people ranging in age from 20 to 5.

24 I'm also here as a friend of the Lakota  
25 people with whom I have been very closely

1 associated most of my life. A cousin of one of  
2 my best childhood friends, Steve Little Thunder,  
3 spoke here earlier, Karen Little Thunder.

4 Thank you, Karen.

5 I am also here as an attorney. I am  
6 licensed to practice law in the state of Iowa  
7 and on Pine Ridge Indian Reservation. I'm also  
8 admitted into several federal courts, including  
9 the United States Supreme Court.

10 I have been to Geneva to fight for  
11 indigenous rights before the human rights  
12 commission. I will go again. Next time, I plan  
13 to go to fight for the rights of protestors.

14 I have been protesting nonviolently in the  
15 streets since 1968. I have protested here,  
16 along with my Lakota relatives, against DAPL and  
17 against this law that was to take the rights  
18 away, the First Amendment rights away from all  
19 of us who wish to defend the water. I'm not  
20 going to stop now even if I have to be pushed to  
21 the sites in a wheelchair.

22 The case that was referred to earlier, the  
23 United States Supreme Court case which declared  
24 that the Black Hills were illegally taken from  
25 the Lakota people, is the United States versus

1 the Sioux Nation of Indians. The cite for that  
2 case is 448 U.S. 371, decided in 1980.

3 They also ruled that the Sioux Nation should  
4 have reparation and interest from the year of  
5 1877. However, that money is being held in  
6 trust. Not one penny of it has been accepted  
7 because the Black Hills are not for sale.

8 So one of the most important things I have  
9 learned from my Lakota relatives is the concept  
10 of mitakuye oyasin, meaning we are all related.  
11 It doesn't mean that we are all related as  
12 two-legged entities on the Earth.

13 We are also all related to the four-leggeds,  
14 the winged creatures in the sky, the fish in the  
15 rivers and the lakes. We are all related to the  
16 trees in the forest and the grass on the  
17 prairies and the medicinal plants that will be  
18 destroyed if the water is destroyed. The water  
19 is the source of all of our life, the water and  
20 our Mother Earth.

21 So I guess that's really all I have to say.  
22 I do have another little note here that  
23 South Dakota became a state in 1889, so that  
24 means our Lakota brothers and sisters were  
25 placed in prisoner of war camps before

1 South Dakota was a state.

2 I believe the number for Pine Ridge is 344  
3 POW camp -- does anybody know? I maybe have the  
4 number wrong. But they have all numbers, and  
5 they are all prisoner of war camps.

6 Oh, I did think of something more to say.  
7 When I go to various events on Pine Ridge, I  
8 make it a point to listen more than I talk. And  
9 at the funeral of a young suicide victim, I  
10 learned from one of his older relatives that in  
11 the Dewey-Burdock area -- which, by the way, is  
12 part of the land that has been ruled by the  
13 United States Supreme Court as being unlawfully  
14 taken.

15 I learned from her that in the '50s or '60s,  
16 a person went exploring in this area, a white  
17 person went exploring in this area and came upon  
18 some places where Lakota people had camped after  
19 the genocide tactic of smallpox in the blankets  
20 had been employed against them, and this person  
21 disturbed a burial site and came down with  
22 smallpox. But it's a hidden history.

23 There's probably not a record of it  
24 anywhere, but the people know. And so if you  
25 poison the water that goes onto the

1           reservations, which are actually prisoner of war  
2           camps, that would be a continuation of genocide,  
3           and I hope you decide against that.

4           PRESIDING OFFICER HALL: Thank you.

5           Speakers 31 and 35.

6           JOHN DAVIS: 31? I'm 35.

7           PRESIDING OFFICER HALL: So this will be our  
8           last speaker before we break for lunch unless  
9           Speaker 31 shows up.

10          JOHN DAVIS: Thank you for coming. I don't  
11          know -- I truly don't know why you're here.  
12          You're listening to our comments and our  
13          concerns here.

14          You were here in 2017, and there was more  
15          people here then. And we're still here. So I  
16          don't understand, truly, why you're here.  
17          You're supposed to be protecting the people.  
18          I'm not going to attack the proponents or I'm  
19          not going to attack anyone who is for or against  
20          it. I'm on the side of life and my life.

21          I drink this water, and this water is an  
22          inherent right in every living thing, even the  
23          people who are going to be mining. Okay? They  
24          don't have to live here after they're gone. We  
25          do.

1           And anger isn't working. Anger only makes  
2           you ugly. Okay? I'm on a path of spiritual  
3           freedom, and that freedom tells me I'm  
4           responsible for my actions, as every living  
5           thing is. And that's what the law is supposed  
6           to do for us, is hold us accountable.

7           You know, when the laws of our heart are  
8           written down to be followed, it's been destroyed  
9           already. Because what's in our hearts is what's  
10          really important. Now I had a big speech here  
11          to attack you guys, and I didn't want to do that  
12          because that's not going to work.

13          I mean, we live in a warring universe.  
14          There's no denying that. There's always going  
15          to be a war somewhere. Now, that war has to be  
16          fighting for life, not to destroy it.

17          It's hard because I feel powerless against  
18          you people. We all do. We gave you this Senate  
19          Bill 158 in 2011. The people who want to mine  
20          went there ahead of time to remove the obstacle  
21          of getting their permits first, and it worked.  
22          That's our representative who is supposed to be  
23          representing us.

24          It didn't represent me because that's not  
25          what I would have done. And I know, judging by



1 all the people talking here today, it didn't  
2 represent your thoughts and feelings.

3 And your science -- I mean, science has  
4 become -- there's good science, and there's bad  
5 science. There's -- it's a world dichotomy.  
6 It's left and right.

7 But the only science that we should be  
8 concerned of is the science that protects us,  
9 not this "Frankenscience" that's creating new  
10 elements that we don't even know how to control.

11 I saw on a business card of a survivalist  
12 trainer, he says, "Mother Nature first provides  
13 the test and then the lesson." Let's not fail  
14 this test. We have -- we can stop it right now.  
15 You know, the cost to mine, refine, burn, and  
16 eliminate radioactivity is too great.

17 Mother Nature has put it in the ground  
18 safely, relatively safely away from us. It's  
19 not harming us right now. But when we refine it  
20 down, we make it more powerful, and that power  
21 is something we cannot control. No matter how  
22 smart you think you are, it will not work.

23 We have Fukushima, Chernobyl. And if you  
24 want to talk economics, over \$250 billion worth  
25 of economic loss in Fukushima. And that's just

1 money. We can't drink money.

2 I'm going to give you something today that  
3 may help you in your fight for your life. And  
4 I'm not representing anyone but myself right now  
5 in life because I can't do that. You have to do  
6 that for yourselves. That's what this  
7 Constitution is supposed to support.

8 It's a word, and it's a chant. And it's  
9 there to open your heart to the love that the  
10 Creator has for you. It loves the people who  
11 want to mine, and it loves the people who don't  
12 want them to mine.

13 But it's got to effect something, and it'll  
14 fill your heart with love because we have a  
15 choice to accept that love or to be a negative  
16 proponent and hate life.

17 That word is HU. And it's pronounced like  
18 this: (Singing) HU, (singing) HU. Sing it with  
19 reverence for it. It's nondenominational. It  
20 doesn't mean you're a part of my path. We're a  
21 part of all the same road leading home to the  
22 Creator. We are all on that journey, even the  
23 miners and even the people who want this,  
24 everybody.

25 It is indiscriminate, and it loves

1 everybody. Thank you.

2 PRESIDING OFFICER HALL: Is Tim O'Connor,  
3 Speaker 31, in the auditorium and wish to speak?

4 (No response.)

5 PRESIDING OFFICER HALL: Okay. So we will  
6 break for lunch and reconvene at 2:00 p.m.

7 Thank you so much for your patience.

8 (A recess was taken from  
9 12:00 p.m. until 2:00 p.m.)

10 PRESIDING OFFICER HALL: Good afternoon.

11 I'm going to open up the record for the  
12 second portion of our hearing today. I'm  
13 Katherin Hall, the Regional Judicial Officer  
14 from EPA in Denver, Colorado. Thank you all for  
15 coming today, and I apologize if you have  
16 already heard this this morning.

17 I will be chairing the rest of the hearing  
18 today. There are other EPA staff here that I'll  
19 introduce you to.

20 Valois Robinson is the permit writer for the  
21 Underground Injection Control Section, sitting  
22 at the table with me.

23 Douglas Minter is outside the registration  
24 table. He's the supervisor of the Underground  
25 Injection Control Section of the Water Division.

1           And Lisa McLain-Vanderpool is the EPA media  
2           officer, also outside at the registration table.

3           On March 6, 2017, EPA issued two draft  
4           Underground Injection Control permits, UIC area  
5           permits to Powertech for injection activities  
6           related to uranium recovery near Edgemont,  
7           South Dakota, for public comment.

8           The draft permits included a UIC Class III  
9           area permit for injection wells for the in-situ  
10          recovery of uranium, and the UIC Class V area  
11          permit for deep injection wells for disposal of  
12          treated in-situ recovery process waste fluids.

13          The EPA also proposed an aquifer exemption  
14          approval in connection with the UIC Class III  
15          area permit.

16          During the 2017 comment period, EPA held  
17          public hearings over five days. After careful  
18          consideration of all the public comments  
19          received, EPA made changes and reissued the  
20          draft permits and exemption on August 26, 2019.  
21          EPA has prepared a summary document of those  
22          changes. If you'd like to view that document,  
23          you can talk to Valois or Douglas.

24          We are here today to listen to your comments  
25          on the reissued draft area permits and aquifer

1 exemption. We will hear comments this afternoon  
2 from 2:00 until 6:00 p.m. We'll have a  
3 15-minute break at some point.

4 The restrooms are in the lobby. And if you  
5 could please silence your cell phones while  
6 you're in the auditorium.

7 I'm calling registered speakers today by  
8 assigned numbers, not by name. So please listen  
9 for your assigned number. I'm calling three  
10 speakers at a time. The first speaker I call  
11 can go directly to either the podium microphone,  
12 or there's a microphone down here below the  
13 stage for anyone who's not comfortable  
14 navigating these stairs.

15 When you come up, please leave your card in  
16 this box here, or you can leave it on the stage  
17 right there. When it's your turn to speak,  
18 please state your name and speak directly into  
19 the microphone.

20 If you are reading your statement, if you  
21 could please read slowly enough so that the  
22 court reporter can capture everything you have  
23 to say.

24 Because of the number of individuals who are  
25 expected to participate today, I'm limiting each

1 speaker's time to five minutes. I will let --  
2 Valois or I will let you know when you have one  
3 minute remaining by holding up a yellow folder,  
4 and when your time is up, by holding up a red  
5 folder.

6 After you finished speaking, Valois, who is  
7 the subject matter expert, may ask you  
8 clarifying questions. During this portion of  
9 the hearing, we're not explaining the basis for  
10 the proposal or answering any questions. The  
11 purpose of this hearing is to hear from you.

12 This will be the only public hearing. The  
13 comment period for the reissued permits and  
14 aquifer exemption has been extended until  
15 December 9, 2019.

16 At the close of the comment period, EPA will  
17 consider all the comments received during both  
18 the 2017 comment period and the 2019 comment  
19 period and during all the public hearings before  
20 it makes its final decision.

21 EPA will also prepare a response to all the  
22 comments received. We are recording the hearing  
23 today, so be assured that your comments are  
24 being captured.

25 The court reporter sitting to my left is

1 preparing a transcript of today's proceedings  
2 that will be available to anyone who would like  
3 to see it. The transcript is part of the record  
4 and will be included in the docket for this  
5 matter.

6 The docket is where EPA collects all the  
7 materials that it considers in its decision,  
8 including all the public comments. It's  
9 available on the internet for review, or you can  
10 review a hard copy at EPA's office in Denver.

11 If you have written copies of your  
12 testimony, please give a copy to either us at  
13 the table or the registration table. It's  
14 helpful as we prepare the transcript.

15 If you have other written comments or  
16 supporting documentation, you can leave them  
17 with us at the table or at the registration  
18 table, and we'll make sure that it's entered  
19 into the docket.

20 You can also submit written comments  
21 directly to the docket at [regulations.gov](https://www.regulations.gov) or  
22 [federalregister.gov](https://www.federalregister.gov) on or before December 9th.  
23 The docket ID number and instructions for  
24 submitting comments are available at the  
25 registration table.

1 I will now call our next set of speakers.  
2 Those are speakers with numbers 36, 37, and 38.

3 Speaker 36 can come directly to one of the  
4 mics, and 37 and 38 can sit in these two chairs  
5 reserved for the next planned speakers. Thank  
6 you.

7 THOMAS BRINGS: Hello. My name is Thomas  
8 Brings. I'm an Oglala Sioux tribal member. And  
9 up to this point, pretty much everything has  
10 been covered or talked about in the comments.

11 And so what I would like to do is just  
12 remind the EPA of some of the things they should  
13 have been doing or should be doing.

14 Okay. I believe the EPA should have waited  
15 for government-to-government consultation to  
16 occur before issuing -- issuing the draft  
17 permits.

18 The EPA should not issue any final permits  
19 until the NR- -- the NRC, the other federal  
20 agency which is involved in the Dewey-Burdock  
21 project -- until the NRC's process is fully  
22 completed because they are still in litigation  
23 with the Oglala Sioux Tribe.

24 And another thing, it should -- the EPA  
25 should not rely on the NRC's determinations that



1 remain, which are subject to reversal and  
2 revision.

3 The EPA should pause its permitting actions  
4 now until the NRC process is complete because  
5 many of the -- a lot of the water issues are  
6 common to both the NRC and the EPA.

7 Some of the other outstanding issues that  
8 need to be addressed is the need for  
9 identification and plugging of the thousands of  
10 the boreholes at the site prior to issuing a  
11 permit.

12 There is also the need for additional pump  
13 tests to characterize the hydrology. The NRC is  
14 requiring these tests prior to operation but  
15 after they issue the license. The EPA should  
16 require these pump tests prior to permitting.

17 The EPA should include a detailed analysis  
18 of potentially leaking abandoned mines and how  
19 they would impact the groundwater and surface  
20 water, including the unreclaimed Darrow, Freeze  
21 Out, and Triangle mines.

22 The EPA should also include a detailed  
23 analysis of the plan for disposal of radioactive  
24 and toxic waste that will be generated as part  
25 of the water treatment at the site.

1           The NRC hasn't done a good job working with  
2           the tribe. They are in cahoots with Powertech,  
3           and they oppose all involvement by the tribe at  
4           each step of the licensing process. And I  
5           thought the -- well, that's just how it is, I  
6           guess. The EPA still has a chance, you know, to  
7           examine the groundwater.

8           And the last contention with the NRC of the  
9           Oglala Sioux Tribe is the cultural -- cultural  
10          resources survey. And one of the things is,  
11          there is a need for a competent cultural  
12          resources survey.

13          It has to be conducted by qualified persons  
14          who have the knowledge and the expertise to  
15          identify significant -- culturally significant  
16          and sacred sites.

17          Looking at the EPA and their mission  
18          statement, EPA state that they work to ensure  
19          that Americans have clean air, land, and water.  
20          They also state that contaminated lands and  
21          toxic sites are cleaned up by potentially  
22          responsible parties and revitalized.

23          Who is responsible for cleaning up all the  
24          waste at the Dewey-Burdock site?

25          And in closing, I'd just like to remind

1           everybody, EPA included, that anything and  
2           anyone who lives on the Earth uses water. Our  
3           bodies are mostly water, and without water,  
4           everything will be gone. Thank you.

5           PRESIDING OFFICER HALL: Thank you.

6           LEORA DAPPEN: I'm 38, so I don't know if 37  
7           is here.

8           ROBERT MILO YELLOWHAIR: Bark box. That's  
9           what it says on this box here, so I guess we're  
10          barking up here. I'll start howling then. No.

11          Environmental Protection Agency. You know,  
12          the Lakota people, for centuries untold,  
13          believed that we as a human being are reflective  
14          of a healthy environment. This is a very  
15          important job that the Environmental Protection  
16          Agency has seen for itself.

17          It came on the heels of a -- where industry  
18          taught us how we can set water on fire, rivers  
19          on fire in this country because of unregulated  
20          commercial interests and corporate interests.  
21          So as we must, as a people, as a two-legged  
22          being -- I'm not going to say it's Lakota or  
23          German or English or whatever the case may be.

24          As a human being, a two-legged being on one  
25          world, that should be reflecting a beautiful

1 life that we should all enjoy, that means pure  
2 water, pure air, pure thoughts. This is the  
3 thing that is the challenge that is in front of  
4 us.

5 A lot of times the United States Government  
6 always say, These are aspirations, these are  
7 goals. But for whom? Our grandchildren? Their  
8 grandchildren? This is the question that we  
9 must always ask in these type of culturally  
10 significant endeavors that we are undertaking as  
11 a group of people.

12 People in the United States should see the  
13 U.S. as home, not a commodity, not something  
14 that can be sold, traded, or bartered. But we  
15 should see it as home. See the soul of this  
16 land. See the spirit that is in this land.

17 I know that the agency, federal agencies  
18 take it upon themselves to do something called a  
19 separation of church and government, of state  
20 and government. These are the things that are  
21 used to confuse people, especially people who  
22 believe that there is a greater being that is  
23 taking care of us as a human being, that we have  
24 a responsibility to all those things that make  
25 up this beautiful Earth that we live on.

1           We don't have it, not for ourselves, but for  
2           the future generations that are coming. This is  
3           what's most important. If you are going to have  
4           children, make sure they have fresh water. If  
5           you are going to celebrate your grandchildren,  
6           make sure they have fresh air. These things  
7           will lead to a healthy life, healthy thinking.  
8           This is what we're talking about.

9           And we do something, we always say, we do it  
10          in the eyes of the seventh generation. This is  
11          the most important. Because if we didn't think  
12          that our great-great-great-great-great-  
13          grandfathers thought that way, then we wouldn't  
14          be here today. We decided to stand with Mother  
15          Earth. We decided to pray with Mother Earth.

16          We don't see ourselves as cutting hair of  
17          our grandmother. We don't take her liver. We  
18          don't take her soul. We don't take her -- the  
19          beautiful things that she brought to us in this  
20          life.

21          We see ourselves as the most humblest part  
22          of the creation. Because as a human being, we  
23          are totally dependent on everything being right  
24          in Mother Nature. If we cannot have these  
25          beautiful things that Mother Earth has provided

1           for us, then all is lost. The human being  
2           cannot live without Mother Earth. Mother Earth  
3           can live without us.

4           We are just a gift, and we must treat that  
5           gift in a very special, sacred way. And this is  
6           the reason why we are so adamant. And I will  
7           second that thought, what that young man said:  
8           Respect us or expect us.

9           This is what we are saying. And we're going  
10          to do it not because we do it for ourselves, but  
11          for the future generations. If you're going to  
12          have your children respect what you're saying  
13          and doing today, treat them right now. Now.

14          Do away with your draft permitting process.  
15          We have the in-situ mining in Crow Butte and out  
16          there in Crawford, Nebraska, operating without a  
17          permit for 35 years now.

18          And also think about that: Why do we need  
19          uranium? It is one of the most destructive  
20          things ever produced. Ask the Japanese people  
21          what happened to them. Ask the young lady that  
22          was here with Chernobyl.

23          These are the kinds of things that we have  
24          to think about because there is nothing good  
25          about uranium. It's polluting for generational,

1 and it's deadly. Thank you.

2 PRESIDING OFFICER HALL: Can you state your  
3 name. Please state your name for the record.

4 ROBERT MILO YELLOWHAIR: My name is Milo  
5 Yellowhair. I'm a member of the Oglala Lakota  
6 people. And I'm a proud member of the American  
7 Indian Movement.

8 PRESIDING OFFICER HALL: Thank you.

9 LEORA DAPPEN: Hello. My name is Leora  
10 Meek-Dappen. I am a holistic nutritionist and  
11 practice as a natural health practitioner here  
12 in Hot Springs.

13 I wasn't going to speak at first because I  
14 didn't have anything prepared and I didn't feel  
15 like I had enough science behind me to deal with  
16 it. But as we've seen today, there's plenty of  
17 people speaking about the science of it, so I'm  
18 not going in that direction so much today as to  
19 speak about what really matters.

20 UNIDENTIFIED AUDIENCE MEMBER: Could you get  
21 closer to the mic, please?

22 LEORA DAPPEN: Sure. This is not about the  
23 elements of uranium or plutonium or about the  
24 compounds that make up this nasty toxic waste  
25 that they want to dump on our beautiful hills.

1           This is about the human element, the human  
2           element.

3           At the end of the day, all of us go home to  
4           our families. I know that even you guys have  
5           families that you care about, that you want to  
6           have safe drinking water, healthy food, clean  
7           air. That's what everybody wants at the end of  
8           the day, because their families matter and it's  
9           about the human element.

10          I do have a science background, and I can  
11          give you all kinds of science connecting food  
12          and health. You know, I've helped people with  
13          many, many conditions bounce back from chronic  
14          health conditions through nature, through Mother  
15          Earth.

16          I've gardened my entire life, and I know at  
17          the end of the day, again, we're going to go  
18          home and enjoy our backyards or go sit by the  
19          river, which is what my favorite thing to do is.  
20          Nothing more healing than taking your shoes off,  
21          socks and shoes and getting in that beautiful,  
22          beautiful pure water that we all love to enjoy.

23          On another note, look at the audience here.  
24          Who is representing here? It's the indigenous  
25          people, right? It's almost -- it is. It's



1 super embarrassing that we're not more  
2 represented here by -- and I'm sorry to all the  
3 indigenous people here that you are doing the  
4 work. You're still fighting.

5 They are the ones fighting because they have  
6 the wisdom to know what this is doing. And that  
7 is the human element. Not all of these other  
8 science -- nothing else but the human element  
9 and the -- the connection with Mother Earth.

10 We are just visitors here. And it's our  
11 responsibility to protect Mother Earth with  
12 every, every ounce of our energy.

13 On a scientific note, food is life, water is  
14 life. I heal people with water. With water.  
15 You're either purifying or you're polluting with  
16 water. When you drink toxic water, you're  
17 polluting your body.

18 We don't want our kids to have toxic water.  
19 Seven generations down the line, we don't want  
20 them to have toxic water or food or air. We  
21 want them to have clean elements.

22 And we go home, and we don't think about it  
23 because it's -- you know, your children, you're  
24 able to protect them because you don't live  
25 here. You don't live in the areas where this is

1 affecting everybody and their children and  
2 seeing cancers rise up everywhere. If you lived  
3 there, you understand.

4 And that's what we hope and pray every  
5 single night that you'll understand, that the  
6 people who live here and the people who have  
7 come from here are doing it for their children  
8 and their children's children and their  
9 children's children.

10 And science -- screw science. It changes  
11 all the time. We know that as scientists. They  
12 are always coming up with different things. One  
13 of my favorites, I have it -- I have it framed  
14 at home. Butter. About five years ago, Time  
15 Magazine on their front cover had a big pad of  
16 butter. And all it said, the subtitle was: Eat  
17 butter. Why the scientists were wrong.

18 They finally realized butter is healthy.  
19 Well, I've known that forever. Indigenous  
20 people have known that forever. The Inuit, they  
21 eat nothing but blubber. Naturally, we know  
22 these things.

23 And if you listen to your heart and listen  
24 to that spirit inside, we know, everybody knows  
25 this is wrong, just flat-out wrong. And I just

1 pray that you make the right decision and  
2 support the human spirit and the human element,  
3 not the uranium element. Thank you.

4 PRESIDING OFFICER HALL: Thank you.

5 We're ready for Speakers 39, 40, and 41.  
6 Speaker 39 can go directly to one of the mics.  
7 40 and 41 can sit in the chairs by the stairs.

8 LEOLA ONE FEATHER: Good afternoon. I'm  
9 from the Oglala Lakota nation. My name is Leola  
10 One Feather. My Lakocaje (speaking in  
11 indigenous language).

12 My granddaughter Daisa is with me today.  
13 And she's going to be our new scientist, so  
14 she's coming to hearings.

15 I am here today because I am testifying on  
16 my behalf that I'm a uranium-poisoned victim.  
17 How I got poisoning was where I live in Wounded  
18 Knee.

19 Our water had become extremely contaminated  
20 from the water, our well where it sat and the  
21 dump and our broken lagoon. Because we were  
22 declared an independent nation in 1973, the  
23 Department of Interior has never helped our  
24 community to build anything.

25 We live on a massacre site that shows that

1 the numbers on interpretation are deadly wrong.  
2 There are 424 people who died as a result of a  
3 policy that the United States made against us.  
4 General Sherman said -- and I testified to this  
5 two years ago, three years ago in the same  
6 building.

7 General Sherman made a policy against us,  
8 and that was to kill the women and the children,  
9 too. And the people they were at war with at  
10 that time in the 1800s were the Lakota, Arapaho,  
11 and Cheyenne women. So we are the only women in  
12 this country, besides to the west of us, that  
13 actually have a war policy that has not -- to  
14 this day, I have not seen that executive order  
15 from the military removed.

16 So I questioned that because of several  
17 years ago when I got the toxicity. It was a  
18 discovery from a well on our reservation. And I  
19 had 26 elements in my body. I had everything --  
20 barium, cadmium, I was off the page on aluminum,  
21 mercury, and -- cadmium.

22 As I researched this, I began to find my own  
23 answers. And through my dear friend who is in  
24 the audience today, Michelle, we got a grant  
25 through our college and tested our wells, and

1 found 22 of these wells were contaminated with  
2 heavy metals that had migrated into our aquifer.

3 And at that time when I got sick, I have a  
4 12-year-old grandson, I have a 15-year-old  
5 granddaughter that had to have open heart  
6 surgery. She has Down syndrome. We kept her on  
7 bottled water and -- because I was sick and I  
8 could not work, I could not afford bottled  
9 water.

10 When we drank this water delivered to her,  
11 she ended with a hole in her heart and in her  
12 lungs. So my little granddaughter had to go  
13 under a knife and have her rib cage broken open  
14 to tear her heart out to stitch it, and her  
15 lungs. I wrote a story on it. You can look for  
16 it. The story is called, "Just One Stitch."

17 My next grandson was born; he weighed 1  
18 pound and 9 ounces. The same water. And I  
19 wrote a story about him, "1.9 Ounces" [sic].  
20 He's 15 years old today. Anna May is 16.

21 The following year, the children that are  
22 12, 13 years old, 13, 68 babies were born at  
23 Pine Ridge Indian Hospital C-section because the  
24 placenta had gone atrophic. It was dead, and it  
25 was dying.

1           Just like our dams and our reservoirs, when  
2           heavy metal gets to the bottom of it, it starts  
3           to deliver very heavy metal that we drink. So I  
4           am a very, very upset grandmother that this was  
5           allowed to happen to my grandchildren. And I'm  
6           very angry, so I did something about it.

7           I worked on a water project to bring a  
8           plumbing system into our community. And as of  
9           today, we still have a broken lagoon. We still  
10          have a dump that is not thoroughly cleaned, and  
11          we're still drinking Missouri River Water when  
12          we have perfectly fine water on our reservation  
13          and close to it because the aquifer is that  
14          close to the surface.

15          Why did that happen? Because our water is  
16          being reserved for farmers and ranchers so that  
17          they can have a good quality of life. And cows  
18          are better taken care of than our own Indian  
19          children. 66,000 head of cows that we're going  
20          to nurture.

21          You know, our children study science. They  
22          know how much methane gas is escaping into  
23          environment, how much of that would be going  
24          into our water in the form of E. coli. My  
25          mother died of E. coli. My grandmother died up

1 here in the Veterans Administration.

2 When the Japanese bombed Pearl Harbor, my  
3 grandma joined the Army, and she served this  
4 country. She became one of the first women  
5 drill sergeants in this country. And I'm very  
6 proud of her. She made me strong.

7 And when she was done, she joined the Air  
8 Force so she could help people, poor people in  
9 the Appalachian Mountains, places where the  
10 government forgot people. Delivered medicine to  
11 them because they were poor. She didn't see  
12 that they were white. She seen that they were  
13 human.

14 And that's what we are. We must look at  
15 this country and what it has done. And today  
16 we're fighting for this community because we  
17 have a treaty. And if all the people in this  
18 part of the country honor our treaty and come  
19 under it, I'm sure we can protect you a lot  
20 better than what this country has been doing for  
21 you.

22 We fought for this land. Not -- down the  
23 road right here just a few miles by Warbonnet,  
24 when the -- they opened up this mining to come  
25 here and let the soldiers invade and let those

1 poor people who wanted to have life, they didn't  
2 know that this was our land.

3 They said, Go ahead, take it. Kill them on  
4 the way. So there was a battle here close by.  
5 And our 9/11 is 9/11/1876 when the Black Hills  
6 commissioner set up their town in Deadwood,  
7 South Dakota, to rob us of our gold and our  
8 silver. But the side effects are devastating.

9 All the people who used mercury, cyanide,  
10 and arsenic? Where did they go? Did they have  
11 children? I'm sure they didn't. And that's  
12 what we're talking about.

13 So in the future, my little granddaughter  
14 here, I want to assure her that I will have  
15 great-grandchildren. We are being studied now  
16 by people in Russia to look at the structure of  
17 our womb to see if in the future we will give  
18 birth.

19 We can look at all of these things. And  
20 especially because I'm a surveyor, I'm an  
21 astronomer, with the Dewey-Burdock area, they  
22 never allow us to go in there. I was a surveyor  
23 when General -- Governor -- call him a general,  
24 whatever -- Janklow and Kevin Schieffer  
25 privatized South Dakota transportation money to



1 revamp a new railroad.

2 And thank God there's people like Bruce  
3 Murdock and Mark Kammerer, Liliias Jarding that  
4 understand what we're talking about, cultural  
5 landscaping --

6 PRESIDING OFFICER HALL: Ms. --

7 LEOLA ONE FEATHER: -- that you can't  
8 destroy one site to save another. So this is my  
9 testimony, that we have never been given all of  
10 that so we can survey.

11 And our time does not say that we did not  
12 see the Black Hills until the 1700s, which NRC  
13 is using. We have been here for way more than a  
14 million years.

15 PRESIDING OFFICER HALL: Ms. One Feather --

16 LEOLA ONE FEATHER: So I'd like to thank you  
17 today for listening to me and that my  
18 grandchildren are getting better.

19 I have taken Indian medicine, and I know  
20 that the Creator gave me time on Earth so that I  
21 could share this with you, and so that we can  
22 fix it before it gets too wrong. So thank you  
23 very much and mitakuye oyasin.

24 PRESIDING OFFICER HALL: Thank you.

25 Speaker 40.

1           CHERYL ANGEL: Good afternoon. I don't have  
2 a good neck, so I have to lift the microphone up  
3 instead of leaning over.

4           I also don't have -- I don't have the heart  
5 to give up. I don't have a heart that's going  
6 to lie. I don't have the conniving backbone to  
7 manipulate policies, to ignore federal  
8 regulations. And I don't have a whipmaster  
9 standing behind me. And I think there are  
10 people in this room right now who understand  
11 what I'm saying.

12           What I have is you, every one of you who  
13 knows right from wrong. I'm thankful for you,  
14 and I have pity in my heart for those who don't  
15 have the courage and the common sense or the  
16 decency to stand up and protect the most  
17 precious element of this Earth, which is water.

18           I love this planet. I love this planet. It  
19 hurts me to watch it being destroyed by the  
20 unscrupulous, by the disconnected, by those who  
21 cannot connect the dots. I'm hurt.

22           We just listened to the testimony of  
23 somebody who's very important. Their story is  
24 important. The future of our children is  
25 important.

1           There aren't many words left to convince  
2           people to do the right thing. But there are  
3           actions that we can do to protect ourselves  
4           because that's what it's going to come down to.  
5           We've got to protect ourselves when those who  
6           are given the responsibility won't do that.

7           I'm going to protect water. I'm going to  
8           protect the life of the future generations who  
9           don't have the capacity to speak now. And I'm  
10          doing that because the generations behind me,  
11          they did that for me so we could all be standing  
12          in this room talking about justice, the right to  
13          free speech.

14          I don't get an opportunity a lot to stand up  
15          and give thanks for who I am and where I stand  
16          and where I come from. But I'm proud to be here  
17          today. And I have pity. And I pray a lot.

18          I want those who feel stepped on, those who  
19          feel pushed down, those who feel that they do  
20          not have the courage to say what needs to be  
21          said to make the changes that need to be made to  
22          protect all of us, I pray for them to have  
23          courage.

24          I pray for them to think about the people  
25          other than themselves, because that's what a

1 community does. And I want to see people start  
2 acting like community members. Because that's  
3 what it takes to raise a healthy, strong nation  
4 is a community full of members who aren't afraid  
5 to speak the truth and do what's necessary to  
6 protect themselves.

7 And I feel like -- I feel like this has been  
8 a setup. Anybody else feel like that?

9 (Comments made from audience.)

10 CHERYL ANGEL: How many of you have faith in  
11 this EPA here that they're going to do the right  
12 thing?

13 (Comments made from audience.)

14 CHERYL ANGEL: How does that make you feel  
15 sitting behind that blue table that the people  
16 in this room don't have faith in your ability to  
17 protect the resources that we all depend upon.

18 UNIDENTIFIED AUDIENCE MEMBER: It's all  
19 about money.

20 CHERYL ANGEL: Well, I hope that you know  
21 that despite our lack of faith in you, I hope  
22 that you do something, you do what's right to  
23 earn back the respect, to keep our waters clean,  
24 our air clean. I want to thank you all.

25 PRESIDING OFFICER HALL: Would you state

1           your name for the record. Can you state your  
2           name for the record.

3           CHERYL ANGEL: I don't have my card.

4           PRESIDING OFFICER HALL: Your name, just  
5           your name.

6           CHERYL ANGEL: My name is Cheryl Angel. I'm  
7           from Rosebud, South Dakota, and I was born in  
8           these Black Hills.

9           PRESIDING OFFICER HALL: Thank you.

10          CAROL BARRES: Hello. I don't really know  
11          how to follow that. Long story short, before I  
12          came up here, I guess I asked myself, like who  
13          am I actually talking to?

14          Because over 95 percent of the people I've  
15          heard today have overwhelmingly, like, told  
16          stories about why there should not be water  
17          permits, why there shouldn't be draft permits  
18          anyway, why people don't want mining in the  
19          Black Hills. It's very obvious that everybody  
20          here doesn't want it.

21          So it's basically -- I mean, it's good.  
22          It's preaching to the choir. And then I have  
23          the -- I had a moment where I actually talked to  
24          Judge Katherin Hall in the bathroom. And I'm  
25          like, What's actually going on here? I'm like,

1 Do you have the power to say no to these  
2 permits? I'm like, Who is doing this?

3 And she said, No, it's not me. It's  
4 Douglas. And I'm like, Oh, where's Douglas?  
5 He's not even here anymore. I guess Douglas  
6 sits on this committee where he actually decides  
7 who is going to be answering these -- the  
8 comments, responding to these comments.

9 So I was like, Well, I find that really  
10 interesting. And I'm like, okay. I'm like, So  
11 when they respond to these comments, they are  
12 actually making decisions? Yes, they are  
13 actually making decisions.

14 I'm like, Okay. I'm like, So what happens  
15 when this mining company just decides not to  
16 care and just keep doing what they always do?

17 And no disrespect, but they are like, I  
18 don't know. And I'm like, You should know. And  
19 I'm -- I'm getting all emotional.

20 But he's actually sitting right here. I  
21 looked you up. So on the internet it says your  
22 name is Ronald Burrows. I will point you out.  
23 You came here. So he's sitting in the audience  
24 today, someone that works for Powertech.

25 And you're trying to come here and make it

1           okay to mine the Black Hills and pump toxic  
2           water back in the Black Hills. You should raise  
3           your hand. You're right here. You're going to  
4           speak, right?

5           UNIDENTIFIED AUDIENCE MEMBER: Ron Burrows  
6           works for the NRC.

7           CHERYL ANGEL: Okay. So what's your name?

8           Okay. Well, there he is. So basically,  
9           that's who we're talking to.

10          Because Valois, if you have the power to say  
11          no to these permits, you should. Like, nothing  
12          I say, like, no emotional appeal I make -- I  
13          don't know, maybe that will change your mind.

14          But basically, you know the science. You  
15          all know what's going on. You know people don't  
16          want it, and you keep hearing people say the  
17          same thing.

18          So you can either decide to not issue these  
19          permits -- because also, someone said this  
20          before me. I was, like, Oh, you took my thing.  
21          But I was glad, Oh, you took my thing.

22          On your website, epa.gov, it says you work  
23          to ensure that Americans, whatever that means --  
24          Americans have clean air, land, and water.  
25          National efforts to reduce environmental risks

1 are based on the best available scientific  
2 information.

3 You already have that. You've heard from  
4 many people with, like, lots of different  
5 accolades and degrees. And that shouldn't even  
6 matter. Their voice should not matter more than  
7 other people's.

8 And also, you work to ensure that federal  
9 laws protect human health and the environment  
10 and are administered and enforced fairly,  
11 effectively, and as Congress intended.

12 Well, if that's true, and it doesn't matter  
13 what I say and you're only doing what other  
14 people in your group or what the feds tell you  
15 to do, then basically the NRC, their cultural  
16 resources review was not deemed sufficient by a  
17 federal court. It's been, like, illegal. It's,  
18 hey, this is illegal. It's documented, this is  
19 not sufficient.

20 So if you're not going to listen to me,  
21 you're not going to listen to Cheryl Angel,  
22 you're not going to the -- how many other people  
23 that are here today that have so many different  
24 reasons, so many different records to back that  
25 up, you need to follow your own laws.



1           Like, I -- the most disturbing thing I've  
2           heard all day is, like, was when Regina Brave  
3           came up here and she put -- basically put you in  
4           your place in a good way. I thought, Drop the  
5           mic. We're done.

6           She was like, This isn't even your  
7           jurisdiction. I thought you all -- maybe people  
8           will just walk out. But no. This isn't even  
9           your jurisdiction. It's a treaty issue.

10          All these things are happening. And while  
11          we're waiting for these things to play out in  
12          court -- because like I said, I was looking at  
13          you. You're very distracting to watch during  
14          this whole thing. Like, I was looking at your  
15          eyes, like, while she's speaking.

16          I'm like, Whoa. She's saying some really  
17          intense -- dropping some truth. I didn't see  
18          anything coming over there. So if you're not  
19          going to listen to me, you're not going to  
20          listen to Regina Brave, you're not going to  
21          listen to these people that say that their  
22          children are dying, you have to follow your own  
23          laws.

24          We shouldn't have to come up here and tell  
25          you what they are or read off the list of, oh,

1           these are the federal violations that are going  
2           on. It's very obvious. You already know these  
3           things. I don't need to tell you these things.

4           And I don't need to come up here and make an  
5           ass of myself. And I don't need to approach you  
6           in the bathroom and ask you, How does this work?

7           So like, yes, it's -- we are grateful that  
8           you're here. But at the same token, like,  
9           you're not these, like, people that live here  
10          and the people that are, like, indigenous to  
11          these territories.

12          They are not on trial, you're on trial.  
13          What are you even doing here? This isn't even  
14          your jurisdiction. This shouldn't even be  
15          happening. There shouldn't be draft permits.  
16          Like, they should never have been issued. You  
17          know that.

18          You don't need me to come up here in my  
19          sweater and be like, Hey, you should not have  
20          done this. You know that.

21          So thanks for your time, but don't -- just  
22          do the right thing. Like, if you're not going  
23          to listen to me, you don't care what I have to  
24          say, you don't care, like, Oh, yes. I could be,  
25          like, I have a degree in biology, botany, that

1 shouldn't matter.

2 If that doesn't matter, listen to your own  
3 laws. And you've heard people say, "If you  
4 don't respect us, expect us." And you've heard  
5 it multiple times today. So I don't know what  
6 you're expecting after these hearings, but it  
7 looks like you should be expecting us. Thank  
8 you.

9 PRESIDING OFFICER HALL: Thank you.

10 Can you say your name for the record.

11 CAROL BARRES: Yes. I'm Carol Barres.

12 PRESIDING OFFICER HALL: Okay. Thank you.

13 So we are ready for Speakers 42, 43, and 44,  
14 please. Speaker 42 can come directly to one of  
15 the mics, and 43 and 44 can wait in the chairs  
16 next to the stairs, please.

17 JORDAN WALKER: Hello. Hello. My name is  
18 Jordan Walker, and I'm with Dakota Rural Action.  
19 I'm from Madison, South Dakota. And basically,  
20 I -- yeah. I -- after hearing everybody  
21 speaking today, I don't have anything that  
22 hasn't already been said.

23 And all I wanted to do is echo my  
24 frustration with this whole process, a process  
25 that feels like it's designed to give you token

1 transparency, and let people get this off their  
2 chest, and then ultimately go forward with a  
3 plan that's already in place.

4 And that's really frustrating to see, and  
5 it's frustrating to hear from person after  
6 person after person about how this community  
7 doesn't want this project to go forward and to  
8 just hear nothing in response. And it's scary  
9 and it's depressing and it's maddening.

10 And all I wanted to say is that I echo all  
11 the sentiments of everyone here. And I hope you  
12 guys really take it to heart because you have  
13 the power to stop this and to change this. And  
14 it -- it is in your power to do this. So,  
15 please. Thank you.

16 PRESIDING OFFICER HALL: Thank you.

17 Speakers 43 and 44, ready? You can come up.

18 TINA BALDOMARO: Good afternoon. I'm not up  
19 here to try to be a speechmaker of any kind, so  
20 just bear with me a moment because I just felt  
21 like I, as a human being, need to get up here  
22 and be a human being first of all.

23 And what I was taught is the first thing...

24 (pause.)

25 And my brother, Milo Yellowhair, I think

1       said it best, the whole thing what I was  
2       thinking anyway when I was sitting there  
3       listening all day.

4             And you gave the opportunity for us to come  
5       up there and speak like -- like people are  
6       supposed to, speak out, whatever. You give us  
7       opportunity to come up here and express what  
8       needs to be expressed.

9             The things that come across my mind are, the  
10       questions are: Have you ever heard about the  
11       1868 treaty? Do you know it? Why hasn't the  
12       government ever honored that treaty with us  
13       after they found the gold in our hills? And why  
14       did they end up killing all our people over it?

15            And never was there consultation of them  
16       opening to colonization in this territory for  
17       us. It was the Great Sioux Reservation in 1868.  
18       It was. It stood. And everybody knew that in  
19       America. It was our land, and you left us alone  
20       for a brief minute until you found the gold.

21            And then you came and ravaged our land and  
22       killed our people almost extinct with the  
23       buffalo. Remember the one that became the  
24       national symbol recently?

25            There's so much hypocrisy with this

1 government. They've never lived up to the  
2 treaties, never. They treat us -- we're the  
3 second-rate citizens in this country. We should  
4 be like the Saudis. That gold came out of our  
5 hills.

6 Do you know the creation -- our creation  
7 stories? Have you heard of our creation  
8 stories? We came out of the Black Hills. We  
9 came out of Wind Cave. That's what they've told  
10 us all our whole lives. That's our -- where we  
11 came from. We've always been around here.

12 What they call South Dakota, North Dakota,  
13 all this region, we've always been here. That's  
14 why they made all these reservations around  
15 here, around the Great Sioux Reservation. All  
16 those prisoners of war camps are all in our --  
17 what they gave us after they found the gold and  
18 before colonization.

19 They never honored that. They just killed  
20 us, and then put us on -- into prisoner of war  
21 camps. But we always spoke up, and we've always  
22 resisted. And we became radicals, or whatever  
23 they want to call it, for people that want to  
24 stand up and save their lives and their people.

25 You know that's true. There's nothing

1           that's changed. It's not -- the history books  
2           say that, and they still say that. And we're  
3           saying that we made it to now. We're resilient.  
4           We made it. Look at us. We can speak our  
5           language, sing our songs still. We're here  
6           dancing. And we're still around after what was  
7           done to us and is being done to us with our  
8           water.

9           We've always protected our water. That's  
10          what we were about. We were the natural people.  
11          That's what we were about. That wasn't -- we  
12          didn't give that up; that was taken away. That  
13          was taken from us. And so we're trying to  
14          reclaim it. And we are because we're here, and  
15          you're trying to listen to us and ask us.

16          But you know as human beings, you know as  
17          human beings -- you're a mother, sister,  
18          grandmother. I am. So I'm appealing to that  
19          part of you because we're talking about the  
20          future. We're talking about the future of the  
21          planet. We're talking about the future of  
22          our -- all people.

23          We happen to be the first people, the first  
24          nation here. So we get to say. You get to hear  
25          us. Yay. I hope you do. I think you do. I

1           feel your heart connected to mine personally. I  
2           just said that because I met you two out in the  
3           hallway, and I'm thinking of you. I hope you're  
4           thinking of my people. I just hope you are. I  
5           hope you both, all of you are, all the EPA or  
6           whatever.

7           Anyway, Tina Baldomaro, Standing Rock Sioux  
8           Tribe, American Indian Movement.

9           PRESIDING OFFICER HALL: Thank you.

10          Is Speaker 43 ready?

11          Let's go to Speakers 45, 46, and 47, please.  
12          Speaker 45 can come directly to the mic, either  
13          of them.

14          RICK BELL: I know you've had this all set  
15          up, but I really want to address you, the EPA.  
16          And these people all have my back.

17          PRESIDING OFFICER HALL: Thank you.

18          RICK BELL: My name is Rick Bell, and I am a  
19          professional engineer here in the state of  
20          South Dakota. I've worked for industry and  
21          consulting for over 40 years. I've spent most  
22          of my time across the table from the EPA arguing  
23          on behalf of my clients in industry that you're  
24          too restrictive.

25          This is an example of a case where the



1           opposite is true. The EPA, what they've done so  
2           far has been very disappointing, although I will  
3           compliment Ms. Robinson for allowing us extra  
4           time to make written comments until December.

5           I really appreciate it, even though  
6           Powertech has had this information for months  
7           and months. But still, we do appreciate the  
8           extra time. And I will be making a lot of  
9           comments, written comments because there's a lot  
10          of things in this draft permit that is wrong.

11          I think the EPA has advocated their duty in  
12          protecting the environment, which is your  
13          mission. I have lots of things to say about how  
14          the EPA has failed to do its job properly, and  
15          I'll be making those written comments. But now  
16          I only have three minutes, or five, to make a  
17          point. So here's my main one.

18          One of the major changes that you've made  
19          between the original draft permit and the  
20          revised draft permit is that you've removed  
21          downgradient wells compliance boundary baseline  
22          monitoring. I know it's a specific thing, but  
23          it's a big deal.

24          This post-restoration monitoring that's been  
25          removed from the Class III permits is wrong. It

1 means that when the monitoring wells show an  
2 excursion -- and please note that I didn't say  
3 if they have an excursion. I said when it  
4 happens because we know that these kinds of  
5 things happen all the time.

6 I know from my experience installing  
7 thousands and thousands of wells over ten of the  
8 Class I waste wells in the Gulf Coast that these  
9 things happen. And this lixiviant that's loaded  
10 with uranium is going to escape the mining  
11 field, never to be recovered. It'll form a  
12 plume and migrate downgradient.

13 There should be monitoring wells there to  
14 provide the data from these leaks that will  
15 occur because they are outside the perimeter of  
16 the mine. So let me repeat: You should not  
17 have allowed the removal of these downgradient  
18 monitoring wells.

19 It will result in disaster when this  
20 contamination goes in the natural direction of  
21 flow, which is south and east towards the city  
22 of Hot Springs. And when that happens, it will  
23 contaminate the drinking water, it will make  
24 people sick, it'll make cattle sick, and all  
25 because the EPA has failed to do its duty.

1 I hope that you develop a conscience and  
2 reconsider and fix the many failures in these  
3 permits. I'm not sure what's going to happen  
4 next from an administrative standpoint.

5 While I would like to see these permits just  
6 denied, I would ask that at least they become  
7 revised, revised permits or whatever lingo you  
8 know in this process.

9 And maybe by that time, the price of uranium  
10 will be -- continue to decline to the point  
11 where Powertech decides it's uneconomical, and  
12 they withdraw these permits since the EPA  
13 doesn't seem to have been doing its job. And  
14 that's all I had to say. Thank you.

15 PRESIDING OFFICER HALL: Thank you.

16 Speaker 46.

17 BEN SHARP: Hi, there.

18 PRESIDING OFFICER HALL: Hello.

19 BEN SHARP: My name is Ben Sharp. I'm from  
20 here. This is my home. I grew up here. I  
21 spent a lot of my time overseas, but I've come  
22 back to my home.

23 UNIDENTIFIED AUDIENCE MEMBER: What's your  
24 name?

25 BEN SHARP: Ben Sharp.

1 UNIDENTIFIED AUDIENCE MEMBER: We can't hear  
2 you.

3 BEN SHARP: Sorry. I'll have to lean in.  
4 There we go. I prepared something. I didn't  
5 want to miss anything important.

6 In some ways, it's really hard to know what  
7 to even say to you people because to anyone  
8 who's been paying attention, you've heard this  
9 already. We've said it all already.

10 I spoke at the NRC five years ago. Five  
11 years on, I could almost recycle the same  
12 comments I made then because nothing of  
13 substance has changed.

14 And yet, you know, here you are again,  
15 asking the same questions, peddling the same  
16 nonsense as if somehow you think that you can  
17 just keep coming back. What, eventually you'll  
18 get the answer you want? Or we'll stop paying  
19 attention? Stop showing up here to tell you no?

20 It's been going on a lot longer than those  
21 five years. This uranium nonsense has been  
22 going on for decades, well before I was born.  
23 So write this part down, take this back to your  
24 political masters, and deliver this message  
25 clearly: We don't want you here. We don't want

1           this. We don't agree. We don't consent. We  
2           don't approve of these plans.

3           And that's never going to change. No matter  
4           how many times you keep coming back, no matter  
5           how many legal loopholes you assemble and they  
6           jump through, no matter how many hired gun  
7           consultants you pay to produce these ridiculous  
8           sham impact assessments masquerading as science,  
9           this is our home. This land doesn't belong to  
10          you.

11          Technically, it doesn't belong to any of us.  
12          But for those of us who love it and call it  
13          home, this land takes care of us, and we have a  
14          responsibility to take care of it, too. And  
15          we're not just going to look the other way while  
16          you make plans to poison and destroy it.

17          Now, maybe you object to the way that I say  
18          "you" and point my finger at you as if each of  
19          you individually bear responsibility for the  
20          whole history of this government's attempts to  
21          turn our home into a toxic waste dump.

22          Perhaps you object to the way I attribute to  
23          you some larger intention, as if you personally  
24          are the architects of this plan. Of course we  
25          know that's not true, but it's also irrelevant.

1 All through history, every atrocity, every  
2 egregious crime, every genocidal project has  
3 been perpetrated not by psychopaths and not by  
4 bad people even necessarily. It's not like the  
5 stupid Nazi movies they peddle at us.

6 Large-scale atrocities are committed by  
7 systems, governments, bureaucracies,  
8 corporations, international financial networks  
9 that are designed to ensure that no one person  
10 is ever responsible.

11 Every person inside this system can always  
12 state they are only doing their job, just  
13 following orders, and the crimes are guaranteed.  
14 That's the system you're here representing  
15 today. We know you're just a part of it. We  
16 know you're just following orders.

17 So when I say "you," I'm not talking only to  
18 you personally, I'm talking to the people you're  
19 representing, the corrupt politicians who sold  
20 this country out in the '80s or earlier, and the  
21 international bankers they sold it out to, and  
22 the technocrats and the middlemen they've been  
23 hiring ever since to make sure that all of the  
24 wealth of this country and this planet are  
25 turned into dollars, and then those dollars flow

1           only to them. You're their hired messengers.  
2           So go ahead, takes these messages back to them.

3           But I'm also talking to you individually,  
4           and we should write down your names. Maybe they  
5           don't pay you enough to see or care about the  
6           big picture. Maybe you don't study history.

7           But just because you might choose to stay  
8           ignorant of history doesn't mean you're not  
9           responsible for the part that you choose to play  
10          in it.

11          The Nuremberg trials established pretty  
12          clearly that claiming ignorance or "I was just  
13          following orders" is no defense, even from minor  
14          players and yes-men in the system delivering  
15          atrocities and genocide.

16          This plan is an atrocity. For the Lakota,  
17          it's just one more round of a genocidal project  
18          that's been going on for 150 years. I'm not  
19          saying that you guys will ever be held  
20          accountable at some future Nuremberg. I'm  
21          pretty sure you're safe, so you can all sleep  
22          easy maybe.

23          But unless you have no conscience, unless  
24          you don't believe in anything bigger than  
25          yourselves, you might consider that you put your

1 soul at risk. Do you really want to go there?

2 A few factual things. This is a dry part of  
3 the world. Okay? There's no -- our rivers are  
4 not fed by snowmelt. Without groundwater, this  
5 is the -- I'm not going to stop in a minute.

6 You take a poll. If everybody raises their  
7 hand and wants me to stop in a minute, I'll stop  
8 in a minute. Give me about four.

9 This is the great American desert without  
10 groundwater. Mostly -- mostly it will be  
11 uninhabitable. And you're proposing with a  
12 straight face that you will deliberately,  
13 permanently, write off whole aquifers, the water  
14 on which our lives and economies and futures  
15 depend? It's insane. And it fits the  
16 definition of genocide for indigenous people.

17 I'm a scientist. I have a master's degree.  
18 I have a Ph.D. I design and evaluate  
19 statistical methods and computer models for a  
20 living. And without going into the details, the  
21 science on which this whole thing is based is a  
22 joke. Others have spoken to these details  
23 already.

24 The geology of the Hills is all fractured.  
25 The water moves between the aquifers. The



1 natural fissures are there, not to mention the  
2 thousands of abandoned boreholes that will never  
3 be plugged.

4 The TVA proved all that in the '70s, but  
5 then Powertech bought the data and five years  
6 ago, they hid it, claimed it was confidential.  
7 That was illegal, but nobody seemed to matter.

8 There's no way to contain the waste on the  
9 surface in a harsh and variable climate like  
10 this one. There's no way to prevent the water  
11 from -- from spreading underground between  
12 aquifers.

13 The computer model that Powertech cited to  
14 assert otherwise five years ago was pathetic.  
15 It's a deterministic model, not even fitted to  
16 data. It just reproduced the phony assumptions  
17 that Powertech fed into it.

18 Hannan LaGarry showed five years ago that  
19 Powertech cherry-picked only a handful of well  
20 test results and hid the ones that were  
21 inconvenient. That was illegal. Nobody seemed  
22 to care.

23 PRESIDING OFFICER HALL: You need to start  
24 wrapping up your comments, please.

25 BEN SHARP: No. I'm not going to stop.

1 Give me five more minutes because --

2 PRESIDING OFFICER HALL: You don't have five  
3 more minutes.

4 (Comments from audience.)

5 CARYN LERMAN: I'm next, Number 47. I'd  
6 like to give him my --

7 BEN SHARP: You know, this is just it. You  
8 don't follow your own rules. You don't follow  
9 your own rules. And yet you expect us to all  
10 jump through your hoops.

11 Just listen, Man.

12 PRESIDING OFFICER HALL: I set out --

13 MR. SHARP: Just listen.

14 PRESIDING OFFICER HALL: -- at the beginning  
15 of the hearing that each person --

16 UNIDENTIFIED AUDIENCE MEMBER: We don't  
17 care.

18 PRESIDING OFFICER HALL: -- had five  
19 minutes --

20 UNIDENTIFIED AUDIENCE MEMBER: We don't  
21 care.

22 UNIDENTIFIED AUDIENCE MEMBER: We want to  
23 hear what he has to say.

24 BEN SHARP: Nothing has changed.

25 CARYN LERMAN: I signed up next, and I'd

1           like to give him my --

2           PRESIDING OFFICER HALL: I appreciate --

3           BEN SHARP: Thank you, ma'am.

4           PRESIDING OFFICER HALL: I appreciate that.  
5           I'll accept that.

6           BEN SHARP: We've seen no new science since  
7           the last science was shown to be fraudulent.  
8           What was illegal five years ago is still illegal  
9           today. We should ask, Why are you even here  
10          again? This is illegal, too.

11          The EPA is breaking its own rules now by  
12          even considering these permits -- rules about  
13          tribal consultation, rules about time available  
14          for public comment, rules about cultural and  
15          environmental impact assessments. And you  
16          really think we're just not going to notice?

17          Here's the point. This is a really peaceful  
18          part of the world. The people here are nice.  
19          They are reasonable. They are polite. They are  
20          not greedy. They take care of one another. And  
21          for the most part, they believe in democracy.  
22          They believe in the rule of law.

23          But do you really think you can come and  
24          break your own laws over and over again to  
25          railroad this thing through and still expect

1           that everyone who will be affected by this is  
2           just going to keep protesting politely, signing  
3           petitions, showing up at meetings while you  
4           proceed to turn our home into a toxic waste  
5           disposal site?

6           So ask yourself, what will you do if these  
7           permits are granted and some people here then  
8           decide in a few years, since you've already  
9           broken every legal and moral law to make this  
10          happen, the only option left is resisting in  
11          other ways?

12          Will you hire private military contractors  
13          to sic attack dogs on women and kids carrying  
14          American flags and Lakota prayer sticks? That's  
15          what you did in North Dakota two years ago. Do  
16          you want to go there?

17          Will you hire undercover agents to  
18          infiltrate the local resistance? Hire goon  
19          squads to fire-bomb our houses, beat people to  
20          death, leave their bodies along rural road  
21          ditches? That's what you did in the '70s in the  
22          reservation. That wasn't so long ago. There's  
23          people here who remember.

24          But I tell you what, look around. Some  
25          things have changed since the '70s. Listen to

1           what you're hearing. Look at what's happening  
2           in this country. Your divide and conquer  
3           nonsense isn't working so well anymore.

4           Some of us may have voted for the red state  
5           puppet and some of us may have voted for the  
6           blue state puppet. But more and more of us are  
7           seeing that no matter what color puppet you've  
8           got reading the teleprompter, the puppeteer is  
9           the same, and the puppeteer doesn't care about  
10          us.

11          That's the man you're working for, whether  
12          you understand it or not. And that's -- to that  
13          man, we're all disposable. We're all  
14          expendable. We're all just in the way. So look  
15          around. It looks to me like this time the  
16          cowboys and the hippies and the Indians are all  
17          on the same side.

18          If you want -- if you won't take no for an  
19          answer and this whole thing escalates and you go  
20          all 1970s on us, this time might need to start  
21          killing white guys, too. We know you could do  
22          it. We know the man you work for has more guns  
23          and bigger guns than we do.

24          But, you know, you start sending snipers and  
25          SWAT teams against guys, white guys that dress

1 and talk like the Marlboro Man, the myth of  
2 American democracy starts to fall apart a little  
3 bit. We saw that in Oregon and Nevada the last  
4 couple years.

5 Ultimately, they didn't pull the trigger,  
6 did they? Why? Because that myth is all you've  
7 got. Do you really want to go there? If it  
8 goes that far, I'm sure you'll say you aren't  
9 the ones responsible.

10 But every time you break your own rules and  
11 sell out this land and these people to foreign  
12 financial interests, none of the money is ever  
13 going to come here. None of the benefits are  
14 ever going to come here. The pie is shrinking,  
15 folks. We are last on the list. We're  
16 expendable now.

17 If you do that, you make that one step  
18 closer to making that inevitable. Let's not go  
19 there.

20 Last thing I'm going to say, and I'll say it  
21 to the room because I think I should. I've said  
22 enough to the rest of you.

23 To all the Indian guys in the room, on  
24 behalf of all the white guys in the room, I'm  
25 sorry that it took us this long to recognize

1           that we're all on the same team here. You know,  
2           it should have happened a few decades back, if  
3           not more.

4           To all the white guys in the room, I don't  
5           think you need to hear me say it, but you know,  
6           we're next. Russell Means said this in the '70s  
7           to a bunch of ranchers down in Nebraska when  
8           they were pushing the uranium down there.

9           He pointed at them all and he said, You're  
10          the next Indians. You're just as disposable now  
11          as we have always been.

12          So, great, you know, we have all got the  
13          racial harmony and equality that we all wanted,  
14          maybe not the way we wanted it, but now they  
15          will kill us all equally. Or not.

16          As the pie starts to shrink and this part of  
17          the country becomes, you know, a write-off for  
18          the people who make the decisions, we can either  
19          sell out to them and work in their company store  
20          and extract their toxic waste and breathe their  
21          crap and die early of cancer, or we can find  
22          another way to live.

23          If we've got good land and good water and  
24          we've got each other and we stick together and  
25          don't fall for the divide and conquer bullshit,

1 I think this would actually be a pretty good  
2 place to live.

3 PRESIDING OFFICER HALL: Your time is up.

4 BEN SHARP: Yeah. Well, your time should  
5 have been up a lot of years ago.

6 PRESIDING OFFICER HALL: Thank you.

7 We're ready for Speakers 48, 49, and 50.

8 Is Speaker 48 --

9 Do you want to go, 49?

10 JERRY MEYER: Sure.

11 PRESIDING OFFICER HALL: Are you 48? Sorry.

12 MICHAEL TUMA: Good afternoon.

13 PRESIDING OFFICER HALL: Good afternoon.

14 MICHAEL TUMA: Well, earlier on I had no  
15 idea I was going to be speaking here. But what  
16 really upset me was that here we are in the  
17 center of this controversy, and I thought we  
18 would have more presence from the EPA.

19 So now you've made me feel like this is a  
20 done deal, that you people have just showed up  
21 here because you're required to show up here.  
22 Nothing is going to change. I have one little  
23 statement I'd like to make.

24 Back in the late '60s and early '70s, I was  
25 a miner, a uranium miner, and I spent a lot of



1 time underground. And I'm going to tell you  
2 something: Underground, the rock is just as  
3 fractured as it is on the surface. You inject  
4 something in there, it's gone. There isn't  
5 going to be any containment. And that's pretty  
6 much all I have to say.

7 Did you get my name?

8 PRESIDING OFFICER HALL: Could you tell us  
9 your name, please. Your name, please.

10 MICHAEL TUMA: Oh, yeah. It's Michael Tuma.  
11 I'm a resident of Hot Springs. Have been here  
12 for 40 years.

13 PRESIDING OFFICER HALL: Thank you.

14 MICHAEL TUMA: Thank you very much.

15 MARY DIANE NEWHAM: My legal name is Mary  
16 Diane Newham. Most call me Diane. My life has  
17 led me here today. I'm a scientist, a  
18 researcher, an educator, a lecturer, an  
19 advocate, an activist, and minister. I pray  
20 these proceedings go well for all citizens of  
21 South Dakota and Fall River County.

22 I choose to -- I chose to move to Igloo,  
23 South Dakota, November 2018 and was happy to  
24 call South Dakota my home again. My husband and  
25 I have a business in Igloo, South Dakota, MDRN

1           Enterprises, LLC, and we love the peace and  
2           quiet of living there.

3           Well, I first want to say, and I last want  
4           to say, the only exception is uranium mining is  
5           good for those who profit from it, companies,  
6           people, and states that allow the mining  
7           operations to take place.

8           In high school, I enjoyed science and math,  
9           and I began my career as a radiation worker in  
10          Pittsburgh, Pennsylvania, two weeks out of high  
11          school in 1976 and learned, first, you can't  
12          see, taste, or smell radiation, but there are  
13          biological effects that can show up later. So  
14          we must respect radiation at all times.

15          I graduated from the Robert Morris  
16          University/Allegheny General Hospital  
17          radiography program in 1978, and I was certified  
18          in radiography in 1978 by the American Registry  
19          of Radiologic Technologists.

20          I subsequently became certified in computer  
21          tomography, mammography, and quality management  
22          by the AART. I moved and worked -- I moved to  
23          and worked in San Diego. And then with my first  
24          husband moved to a cattle ranch outside of  
25          Casper, Wyoming. I began working for Casper

1 Medical Imaging.

2 I began my career teaching radiologic  
3 sciences in 1982 at Casper College. I worked  
4 part-time as a weekend technologist in Douglas,  
5 Wyoming. I received my Bachelor's Degree in  
6 Science in Health Services Education  
7 Administration in 1988 from Weber State  
8 University, and was recruited to Rapid City  
9 Regional Hospital as their radiography program  
10 director in 1988 to 1993, where I more formally  
11 taught radiation protection, biology, and  
12 radiation health physics, along with other  
13 radiologic technology courses.

14 In 1993 to 2001, I was recruited to Olney,  
15 Illinois --

16 (Request made by court reporter.)

17 MARY DIANE NEWHAM: I was recruited to  
18 Olney, Illinois, where I was the radiography  
19 program director for Richland Memorial  
20 Hospital/Olney Central College radiography  
21 program, and part of the Richland Memorial  
22 Hospital quality management, risk management,  
23 and disaster management teams, and a practicing  
24 radiographer.

25 I worked with the Illinois Department of

1 Nuclear Safety, and the Illinois State Society  
2 of Radiological Technologists. In 1996, I  
3 received my Master's Degree in Education  
4 Administration from Eastern Illinois University.

5 In 2001 to 2015, I was recruited to Weber  
6 State University's radiologic sciences programs  
7 as an associate professor. It is one of the  
8 largest radiologic science programs with over  
9 600 students per year where I taught associate  
10 and bachelor's degree students across the  
11 country and some outside the country, including  
12 advanced practice, mid-level provider radiologic  
13 technologists, known as radiology practitioner  
14 assistants/radiologist assistants.

15 Thus, I have taught hundreds of thousands of  
16 radiologic technologists many different  
17 radiologic science, health care, and public  
18 health courses. I have focused on radiation  
19 biology and health physics throughout my career.

20 This includes the effects of ionizing  
21 radiation on the human body, patient, and  
22 personnel protection, exposure monitoring,  
23 health physics, and oncology.

24 As I first tell students, radiation is a  
25 double-edged sword. It cures cancer, and it

1 causes cancer. As a lifelong learner, this year  
2 I attended radiologic technology continuing  
3 education courses in South Dakota, and attended  
4 and presented courses in Wyoming. At the  
5 Wyoming meeting there were excellent lecturers  
6 and some about radon, the by-product of uranium.

7 October is Breast Cancer Awareness month.  
8 I'm a breast cancer conqueror. Between 1996 and  
9 2018, I co-facilitated support groups for  
10 cancer, breast cancer, grief and stress  
11 management in hospitals and churches.

12 When people are in crisis, they want to talk  
13 about God, Creator, and an entity greater than  
14 oneself. I had no problem with that. However,  
15 it was out of my scope of professional practice,  
16 and I was led to be ordained as a Madonna  
17 minister in 1998.

18 Wherever I live, I consider myself a friend  
19 within my community, and with Indigenous, First  
20 Nations, Native American, and minority people  
21 who live in my community.

22 I know -- I knew there was a uranium pocket  
23 in Fall River County and was hoping and praying  
24 it would not be disturbed. Uranium mining  
25 causes health problems for uranium workers and

1 people and animals exposed to the uranium and  
2 radioactive by-products of uranium, including  
3 radon gas.

4 (Request made by court reporter.)

5 MARY DIANE NEWHAM: Uranium mining causes  
6 health problems for uranium workers and people  
7 and animals exposed to the uranium and  
8 radioactive by-products of uranium including  
9 radon gas. Okay.

10 Lung cancer is the leading cause of U.S.  
11 cancer deaths, and radon is the second leading  
12 risk factor for lung cancer. On May 22nd, it  
13 was on a webinar I just listened to. The  
14 Biological Effects, from the BEIR report from  
15 the National Academy of Sciences, is the most  
16 definitive accumulation of scientific data about  
17 radon, indoor radon.

18 The report confirms that radon is the second  
19 leading cause of lung cancer in the U.S. and a  
20 serious public health problem. The study fully  
21 supports EPA estimates that radon causes about  
22 15,000 lung cancer deaths per year.

23 One will never convince me that uranium,  
24 uranium mining, storage of its tailings, radon  
25 gas, is a good thing for anyone, animals --

1 domestic, livestock, and wild -- our environment  
2 and our watersheds, including the possible  
3 contamination of aquifers.

4 Children and the next seven generations will  
5 suffer the consequences of our management -- our  
6 mismanagement of our environment and natural  
7 sources. The only exception is uranium mining  
8 is good for those who profit from it, companies,  
9 people, and states that allow the mining  
10 operations to take place.

11 I pray all will make wise choices. Again, I  
12 pray these proceedings go well for all citizens  
13 of South Dakota, Fall River County. Mary Diane  
14 Newham, my professional affiliations that I've  
15 been involved with. Thank you very much.

16 PRESIDING OFFICER HALL: Thank you.

17 Is Speaker 50 ready?

18 JERRY MEYER: 49 didn't get a chance yet.  
19 Somebody jumped.

20 I thought you were 49.

21 What number do you have?

22 JERRY MEYER: I'm 49.

23 PRESIDING OFFICER HALL: We must have two  
24 49s.

25 MARY DIANE NEWHAM: I was 50 because --

1           PRESIDING OFFICER HALL: Oh, that's fine.

2           JERRY MEYER: My name is Jerry Meyer. I  
3 live near Black Hawk, South Dakota, on the other  
4 side of Rapid City. I have lived in the Black  
5 Hills most of 53 years. Been through this many  
6 times before.

7           Were any of you here in 2017 in Ramkota? I  
8 thought a couple of you looked familiar. So  
9 you've been through this before.

10          You know, I empathize with you and your  
11 roles in this country because you are so  
12 powerless, not only because we have an EPA  
13 administrator who used to be a coal country  
14 lobbyist in the person of -- is it Andrew  
15 Wheeler? Yes.

16          So I don't have a lot of the faith in his  
17 ability to support you in the EPA who actually  
18 have good intentions and try to carry them out  
19 in your work protecting our environment, which  
20 is your primary job.

21          And we have a president who takes pride --  
22 took pride in getting elected by saying he was  
23 going to reduce regulations. The main  
24 regulations I've seen him reduce have been those  
25 protecting our environment.



1           And so when it comes time to elect  
2           officials, please keep that in mind. That stuff  
3           flows downhill and people will get appointed to  
4           those kind of positions, not elected positions,  
5           to do the bidding of the guy in charge. So we  
6           need a new guy in charge.

7           The Black Hills have been pillaged and raped  
8           for a long time. We have two Superfund sites  
9           currently still in the Black Hills. One from  
10          the Homestake Gold Mine, there's still  
11          contaminants in the sediment along the creek  
12          of -- the banks of White Creek that flow into  
13          the Belle Fourche River that flows into the  
14          Cheyenne River which goes down to the  
15          reservations.

16          Everything seems to go down to the  
17          reservations. You get the worst of it. I'm  
18          hoping that there will be some kind of oversight  
19          and monitoring, as somebody else brought up  
20          earlier, that has been eliminated from the new  
21          draft regulations that will have a little more  
22          oversight on what is allowed to be injected or  
23          to be allowed in this uranium mine if indeed it  
24          ever gets off the ground, which I hope it  
25          doesn't.

1 But anyway, my empathy to you in trying to  
2 do your job. That's all I have to say.

3 PRESIDING OFFICER HALL: Thank you.

4 Speakers 51, 52, and 53, please.

5 GORDON BROOKS: My name is Gordon Brooks.

6 I am a veteran, and I'm a Fall River County  
7 resident. I would like to go on record as  
8 opposing all three of the issues that you have  
9 included in your paper.

10 I value freedom and life. I value water,  
11 and I believe that water is life. Thank you  
12 people for what I have learned today.

13 I am a human being. The one question that  
14 the EPA could answer for itself is, how does  
15 this permitting serve our Creator? This is  
16 wrong and should not proceed. Thank you.

17 PRESIDING OFFICER HALL: Thank you.

18 Speaker 52.

19 MELODY INCHUMUK: Hello. My name is Melody  
20 Inchumuk. And I don't really have -- everything  
21 has been said for the most part, except for the  
22 fact that it hasn't been accentuated, perhaps,  
23 loud enough that this is only about making  
24 money. It is not preserving our environment.

25 If there were not a lot of money involved in

1           this, it would not be happening. So it can't  
2           happen because money is not going to preserve  
3           our water or our environment.

4           The mining and anything -- dumping waste  
5           into our -- into our environment will ultimately  
6           destroy our environment for all life, all the  
7           creatures, all the animals. And it's not  
8           acceptable. That's all I have to say. That's  
9           it.

10          PRESIDING OFFICER HALL: Ms. Inchumuk, do  
11          you have a speaker's card, a little green card?

12          MELODY INCHUMUK: I did have it, but I lost  
13          it.

14          PRESIDING OFFICER HALL: That's okay. Could  
15          you spell your name?

16          MELODY INCHUMUK: Inchumuk. It's Melody  
17          Inchumuk. The last name is I-N-C-H-U-M-U-K.  
18          "Melody" is with a Y on the end, M-E-L-O-D-Y.

19          PRESIDING OFFICER HALL: Thank you.

20          MISTY PLENTY WOLF: Hello, ladies.

21          Hello, people.

22          Misty Plenty Wolf here, my daughter, and my  
23          niece representing the Oglala Lakota future  
24          warriors up here. So, appreciate all our people  
25          for coming out and speaking up, voicing what the

1 rest of the people won't say.

2 And so with that, we heard about the  
3 creation story. I don't know if anyone come up  
4 to speak on the creation story or if it's  
5 recorded in your books or anything. But because  
6 everything has been said, that's what I want to  
7 go back to, the beginning of the time.

8 I want to read the creation story. I've  
9 heard it a bunch of times, but I've never got to  
10 speak on it.

11 So before today, there was another world  
12 before this one. But the people in that world  
13 did not behave themselves, just like today.  
14 Displeased, the Great Spirit set out to make a  
15 new world.

16 He sang several songs to bring rain, and he  
17 poured stronger with each song. He sang the  
18 fourth song, the Earth split apart and water  
19 gushed up through the many cracks, causing a  
20 flood.

21 By the time the rain stopped, all the people  
22 and nearly all the animals had drowned. Only  
23 Kangi, the crow, survived. And Kangi pleaded  
24 with the Great Spirit to make him a new place to  
25 rest.

1           So the Great Spirit decided the time had  
2           come to make his new world. From his huge pipe  
3           bag, which contained all types of animals and  
4           birds, the Great Spirit selected only four, four  
5           known animals that had the ability to remain  
6           underwater for a long time.

7           He sent each in turn to retrieve a lump of  
8           mud from beneath the floodwaters. The first was  
9           the loon dove -- the loon, he dove deep into the  
10          dark waters, but it was unable to reach the  
11          bottom.

12          Ptan, the otter, even with his strong webbed  
13          feet also failed. Next the capa, beaver, used  
14          its large flat tail to propel itself deep under  
15          the water, but it too brought nothing back.  
16          Finally, the Great Spirit took keya, the turtle,  
17          from his pipe bag and urged it to bring back  
18          some mud.

19          And the turtle, the keya, stayed under the  
20          water for so long that everyone was sure that it  
21          drowned. Then all of a sudden, a splash came,  
22          and the turtle broke through the water, through  
23          the water surface with mud filled in his feet  
24          and claws and in the cracks between its upper  
25          and lower shells.

1           Singing, the Great Spirit shaped the mud in  
2           his hands and spread it on the water where it  
3           was just big enough for himself and the crow.  
4           He then shook two long eagle wings over the mud  
5           until Earth spread wide and varied, overcoming  
6           the waters.

7           Feeling sadness for the dry land, the Great  
8           Spirit cried tears that became oceans, streams,  
9           and lakes. He named the new land Turtle Island  
10          on behalf of keya, the turtle.

11          So in honor of the turtle, which provided  
12          the mud that formed the land, the Great Spirit  
13          then took many animals and birds from his great  
14          pipe bag and spread them across the land. The  
15          Great Spirit took many -- took the four --

16          He -- then, from the red, white, black, and  
17          yellow Earth, he made men and women. The Great  
18          Spirit gave the people his sacred pipe bag and  
19          told them to live by it, and we warned them  
20          about the fate of the people who came before  
21          them.

22          He promised all would be well if all living  
23          things learned to live in harmony, but the world  
24          would be destroyed again if they made it bad and  
25          ugly.

1           And so with that, he gave each man the  
2           responsibility, the red, yellow, white and black  
3           man. He gave the black man the waters to keep  
4           clean. He gave the yellow man the air to keep  
5           clean. He gave white people -- wait.

6           He gave the red man the Earth to protect, to  
7           keep clean. And then that leaves you guys, the  
8           fire. But white people, they forget real easily  
9           where they come from and who they are. And so  
10          getting bored and mundane feelings, not  
11          realizing that they are sacred beings, they  
12          start abusing it.

13          We all know what the white man did with the  
14          fire, turned around and made bombs and  
15          destruacted everything -- destroyed everything,  
16          caused mass destruction. To this day, we see it  
17          no matter where we look.

18          And we know the airs are polluted. The  
19          yellow man got all the massive plants and all  
20          that pollution in the air out there. They can't  
21          even breathe their air out there in those  
22          countries, China and whatnot.

23          And then you see our waters all being  
24          destroyed because, you know, no one likes to  
25          stand up for what's right anymore. They don't

1           like to take responsibility, and they like to  
2           try to push it off on someone else.

3           Now, I don't know who gave you guys the  
4           right to sit behind that and take our comments  
5           and hear what we have to say. But to all your  
6           bosses, whoever made them bosses, you guys ain't  
7           no boss. You guys don't control us, and you  
8           guys don't control the land. You guys don't  
9           protect it. You guys don't even honor  
10          yourselves.

11          You bring us out here to our lands, where we  
12          come from. Wind Cave out there, that's where we  
13          come from. These lands are our lands. There  
14          was a Great Race around this, the heart of  
15          Turtle Island, because of this very thing, the  
16          destruction, the disrespect.

17          And so it was up to the animal nation to go  
18          have this Great Race for the sake of human  
19          beings, whether we were -- had the right to even  
20          live, to speak, to breathe, to eat. And so that  
21          Great Race happened.

22          And all the great animals that thought they  
23          had -- they had it in them to win ended up  
24          giving out. There was only one because he took  
25          his time to honor who he was. He knew he wasn't



1 fast or -- he could be, but he knew he would get  
2 burned out. That was the magpie, the black and  
3 white.

4 So it was up to the magpie to decide whether  
5 we had even a chance to even be alive. They  
6 should have just took us out.

7 PRESIDING OFFICER HALL: You need to start  
8 wrapping up your comments, please.

9 MISTY PLENTY WOLF: Well, that magpie didn't  
10 give up. And so he said yeah because they have  
11 a heart. They have compassion in there  
12 somewhere. As evil as their minds could be,  
13 their heart is good because they come from the  
14 Earth. They come from the heart of creation.

15 Now, I don't know what to tell you guys or  
16 what you could tell to your bosses, or you  
17 sitting over there with your papers and all the  
18 people you guys sit under.

19 I don't know how much money it would take  
20 for you guys to do what's right, you know. We  
21 can't pay you off. But we can give you some  
22 clean drinking water to take home. We can make  
23 sure of that. You know, we can give you advice,  
24 say go grow some plants. Hemp is a better  
25 alternative than all this.

1           We can build. We can create. We can do a  
2           lot than what this uranium does for us. You  
3           guys know this. What are you doing? You got  
4           uranium in your bottle there?

5           PRESIDING OFFICER HALL: So you're out of  
6           time. You're far over time. I'm going to have  
7           to ask you to conclude your remarks.

8           MISTY PLENTY WOLF: Well, I'm on borrowed  
9           time. I got their time, they got mine. I'm  
10          here because of them, they're here because of  
11          us. Seven generations back, seven generations  
12          forward.

13          You know, there's universal laws, star laws,  
14          spiritual laws that all these -- this paperwork  
15          and this microphone won't ever count up or live  
16          up to.

17          So with all the love in my heart and all the  
18          time that I'm borrowing on, I hope you guys do  
19          what's right. Get through to your boss's boss's  
20          boss's boss and tell them to do something bad  
21          with themselves instead of doing something bad  
22          to our water.

23          Tell them we don't need uranium. We don't  
24          need the fossil fuels. We don't need all this  
25          destruction. And we don't need you if you don't

1           need us or any of what's valuable in this life.

2           PRESIDING OFFICER HALL: Thank you for your  
3           comments.

4           MISTY PLENTY WOLF: Uh-huh. Mitakuye  
5           oyasin.

6           PRESIDING OFFICER HALL: Looking for  
7           Speakers 54, 55, and 56, please.

8           Speaker 54 can go directly to one of the  
9           mics. We'll be taking a break after 56.

10          KATHRYN THUNDER HAWK: My name is (speaking  
11          in indigenous language). I'm Kathryn Thunder  
12          Hawk. I'm from the Pine Ridge Reservation, part  
13          of the Oglala Lakota tribe.

14          I come up here to speak my piece. I heard a  
15          lot of good words from both people, my tribe and  
16          from the people who live around here who utilize  
17          our lands, our waters, our air. I'm very  
18          honored that they feel the need to come here and  
19          help us speak against what's going on.

20          I also only believe in natural law. And  
21          that's something that all of us should always  
22          remember first, is our natural law. Being from  
23          our reservation and growing up, there were many  
24          times that people came, governments, people like  
25          Powertech try to come in and destroy our sacred

1           Black Hills.

2           We came from these sacred Black Hills, and  
3           we're going to die here protecting our sacred  
4           Black Hills. Today in this 20th century,  
5           nothing has changed in our thoughts, in our  
6           minds, and in our hearts.

7           For me, I believe that Powertech should be  
8           held accountable, and I wish that we could  
9           charge them with bad land act against our  
10          people, our nation, the winged, the two-legged,  
11          everything within Unci Maka. This is an act  
12          against humanity, not just our people, our  
13          tribes, and the people many live here, but it's  
14          against humanity.

15          These are sacred sites. Every hill, every  
16          place, every stream, everything has a meaning.  
17          And it's still here, still represents who we  
18          are. And we are still here to protect Unci Maka  
19          and our sacred Black Hills.

20          I also know that we understand about the  
21          laws changing for standing up to protests, what  
22          they say we do, but we don't. We're here to  
23          protect our future generations. Regardless of  
24          any laws telling us what we can do or can't do  
25          in our lands, we're going to do what we feel is

1 right.

2 We're going to stand up and lay our lives  
3 down, if necessary. So thank you for your time.  
4 I just came here to let you know how a lot of us  
5 feel, a lot of our people who didn't have the  
6 time or the money to come up here and do this  
7 again. So thank you.

8 PRESIDING OFFICER HALL: Thank you.

9 JULI AMES-CURTIS: My name is Juli  
10 Ames-Curtis, and I live in Custer. I had  
11 something written up last night, and I didn't  
12 put it in the box out there yet.

13 As I was walking by the river at lunch,  
14 that's when I do my best thinking, is when I'm  
15 walking or when I'm moving, as I will move up  
16 here. And many, many things came to my heart  
17 and my soul and -- just looking at the river.

18 And the water is the essence, the essence of  
19 Earth, of life. If we didn't have water, we  
20 would not be here. And we have beautiful water  
21 in the Black Hills, and we can't have this being  
22 tainted.

23 It's just the essence of what we are and who  
24 we are. And I am so privileged to be living in  
25 this place. I feel gratitude. I'm only here on

1           borrowed time. And all I was thinking of this  
2           essence, also, of you come here for a day or two  
3           to come to our community to listen to us, but  
4           you don't know the essence of our life.

5           You don't know the essence of what it's like  
6           to live in the Black Hills. You don't know the  
7           essence of what it is to live on the  
8           reservation, in the plains. You can't know.  
9           The old thing is if we can walk 100 miles or a  
10          mile in someone else's shoes.

11          I don't know you can do that with just  
12          coming for a day and listening to us. You can  
13          get part of it. But you can't get what it's  
14          going to do to our lives, our livelihoods, our  
15          souls if this happens.

16          Not only personally, but also speaking on an  
17          economic basis, mining is boom or bust. We have  
18          viable, wonderful industry and tourism. And  
19          even our bringing in retired people into this  
20          area, it's vastly superior and more stable than  
21          boom-or-bust mining that we're left with.  
22          People leave town, and then we're left with  
23          ghost towns.

24          And so -- and then we're also left to clean  
25          up. We still have to clean up at the

1 Dewey-Burdock site. There's still massive  
2 things to clean up there. So what are we doing?  
3 Why are we going to be stuck with all kinds of  
4 other craziness, upheaval of our lives?

5 An interesting thing happened to me this  
6 summer about water. We had a flood in Custer,  
7 and we had this much water through the streets.  
8 And I have a community garden, and it's in the  
9 floodplain, and my community garden was totaled.

10 It -- the plants were there, but I could not  
11 garden anymore because of, one, E. coli. And  
12 two, the waste from the mining, from the Custer  
13 mining, way back then in the 1800s. All those  
14 minerals, all those toxic minerals came through  
15 the soil and deposited in my garden.

16 So I cried as I pulled up all these  
17 beautiful vegetables that were fully in harvest  
18 mode. And so you can't tell me that things like  
19 this are not going to happen in how many years.

20 They didn't know back then when they were  
21 digging up in the Custer Expedition that they  
22 were going to leave all these mining, these --  
23 these tailings, and they were going to hurt  
24 people.

25 But we know that now. We know that. And

1           why do we have to put up with it? Why do we  
2           have to be affected by this?

3           I'm affected. I have uranium in my blood,  
4           and it's not from my water. Right now it's from  
5           the air here because we get uranium in our air  
6           here from the coal mining over in Wyoming. It  
7           comes off of the trains, and it blows off the  
8           trains.

9           As you take the coal out of the ground, the  
10          uranium that's in it comes off. So I have  
11          tested the well on the property that I'm blessed  
12          to live on. And it is extensive and expensive.  
13          And I tested it for not just the basic things  
14          that the state allows or the state tests for, I  
15          tested for all the toxic minerals and chemicals.  
16          And we're lucky enough to have none of that in  
17          our water.

18          But we're close enough -- I'm southwest of  
19          Custer, so I'm close enough to the Dewey-Burdock  
20          Mine. If for some reason that mining ever goes  
21          through, I will be testing my water every year.  
22          And if things come out different, I will be  
23          contacting the company and making sure.

24          But, of course, they leave, and then they  
25          leave us with all these things. So just a few



1 thoughts. Just hoping that you can maybe walk a  
2 few miles in our shoes because we have to be  
3 left here living with all of this if you leave  
4 us with this mess. Thank you.

5 PRESIDING OFFICER HALL: Thank you.

6 JACKIE GERICKE: My name is Jackie Gericke  
7 from Hot Springs. As a child of the '60s and  
8 '70s with a love for nature and this planet, I  
9 always wanted to have a job when I grew up doing  
10 something for the Earth. And I heard about the  
11 Environmental Protection Agency, and that  
12 sounded just about perfect.

13 And it was absolutely who I would want to  
14 devote my life to, being an environmental  
15 protector. And, of course, I got older and  
16 learned a couple things, and that isn't where my  
17 career went although I'm still an environmental  
18 protector, I've lost a little bit of faith in  
19 our government.

20 But I haven't lost hope, you know. I know a  
21 lot of us expressed today that we don't have  
22 faith. But we have hope; otherwise, we wouldn't  
23 be here. I have hope that sanity will finally  
24 reign, and we will see that it's not very wise  
25 to inject toxic waste into our water.

1           That is such a crazy thing to even say, that  
2           I don't believe people really understand what  
3           this application is about -- otherwise, I was  
4           sure this place would be full -- that we want to  
5           inject toxic water into our drinking water?

6           I know, it maybe isn't the drinking water  
7           because it's all walled off down there in a very  
8           safe place. Well, we all know that's not true.

9           I moved here 25 years ago from the first  
10          home that my family lived in. A short time  
11          after moving into that home, it was discovered  
12          that all of our wells were contaminated, and an  
13          emergency water system had to be installed very  
14          quickly into these contaminated wells.

15          I also lived 2 miles away from a nuclear  
16          power plant that regularly had emissions in  
17          excess of what was allowed, and our children  
18          were little, and we decided we needed to leave  
19          that area. It is so poisonous, there were  
20          clusters of cancer, like many places.

21          And we searched for an area that had clean  
22          water and clean air and a beautiful night sky,  
23          and we found this place. We moved here with no  
24          means, just the desire to live in a clean place.  
25          And since then, I've opened a business, a

1 health-related business, here in Hot Springs.

2 And I meet regularly those same people  
3 searching for that clean area, people who have  
4 been poisoned in other places. I call them  
5 environmental refugees, some people who live a  
6 nomadic lifestyle, escaping poisonous places and  
7 looking for clean places. And a lot of those  
8 people end up here for this very clean area.

9 So I'm here -- also, people have given  
10 beautiful testimony today about scientific law,  
11 about natural law, about treaty law, and all the  
12 reasons that this permit should be denied. I  
13 have the unfortunate task, also, of pointing out  
14 the economic impact this will have.

15 Just if it goes through, people will not  
16 want to come here. People will not feel safe  
17 here. Those of us who have businesses, who make  
18 our livelihood will suffer. Unfortunately, our  
19 government recognizes money more than it does  
20 the Earth or human life.

21 So I want to go on record saying this will  
22 hurt the economy of this area. I don't think  
23 that's the most important reason not to go  
24 through with this, but money talks and that will  
25 injure our area. So I am asking that this

1 permit be denied. Thanks.

2 PRESIDING OFFICER HALL: Thank you.

3 We will take a 15-minute break now. We'll  
4 go off the record, and we will resume at five  
5 minutes after 4:00.

6 (A recess was taken from

7 3:54 p.m. to 4:06 p.m.)

8 PRESIDING OFFICER HALL: I'd like to call  
9 Speakers 57, 58, and 59, please.

10 Is Speaker 57 in the auditorium? Is Speaker  
11 58 in the auditorium? 59?

12 Why don't we start with Speaker 60 then.

13 KAREN LUI: Okay. Can you guys hear me?

14 Okay. So my name is Karen Lui. I'm a  
15 special education teacher. But I have a  
16 Master's in Autism Spectrum Disorders, and I  
17 also have a Master's in Public Administration,  
18 focusing on natural resources.

19 So over time when uranium is in our drinking  
20 water, it will cause kidney damage. So once you  
21 get that damage, it's going to be hard for you  
22 guys to get a transplant. Right? So what do  
23 you do if you can't get that transplant? You go  
24 on the black market, and you're going to be at  
25 risk for whatever you get. Right?

1           So a lot of families can't afford to wait,  
2           because once your organs start failing, other  
3           organs will start failing, and then you're going  
4           to go into septic shock, and you're going to die  
5           from that.

6           So when in the mine, when the uranium is  
7           being chemically leached, the water solution  
8           from getting it clean are called tailings. And  
9           those tailings should be in a containment pond  
10          that will hold all the toxic waste. But from  
11          what I can tell, the permits don't say how they  
12          are going to hold their tailings.

13          So in a sense, they are using their  
14          tailings, and they are going to use our  
15          aquifers -- or our water supply as a way to get  
16          rid of the toxic sludge.

17          Each containment pond will only last seven  
18          to ten years. And after ten years, the EPA will  
19          have to enforce any kind of compliance  
20          regulations to see what we can do about building  
21          another containment pond.

22          Here's the issue: Each containment pond has  
23          to be regularly in compliance, and the EPA has  
24          to come each time, every six months to a year,  
25          to enforce the regulations and the compliance to

1           make sure that each pond is lined correctly and  
2           that there's no potential leaks.

3           But once that leak starts, that goes into  
4           our groundwater, and then in turn, it will  
5           affect wildlife and it will affect the fish in  
6           the rivers.

7           In 2014 there was a company called Duke  
8           Energy. And Duke Energy was coal mining. And  
9           that happened in North Carolina. And this  
10          company -- I don't know if you guys heard of  
11          Duke Energy.

12          The EPA wasn't holding them accountable.  
13          They were not doing compliance checks. They  
14          were not doing anything, which in turn, these  
15          violations that Duke Energy ended up having were  
16          over ten violations.

17          One violation is \$25,000. Once you have a  
18          violation in place, you cannot conduct business.  
19          So Duke Energy had to pay \$250,000 each day  
20          until they got all violations done, you know,  
21          get them in compliance and whatnot.

22          So when -- so what happened with Duke Energy  
23          is that there's a pipe where they had the pond.  
24          And where it was located had busted, and all  
25          that toxic waste and sludge went into the river.

1           Now, the EPA's solution at the time was to  
2 vacuum the river sediment. Well, when you have  
3 toxic sludge, once it's in the river, you cannot  
4 get it out. It's in the soil.

5           It affected the fish population, the fish  
6 migration. And the towns that were along the  
7 river, those towns used the river water for  
8 their drinking supply through the water  
9 processes.

10          FEMA had to step in to provide emergency  
11 relief for water bottles, gallons of water, and  
12 each family were allowed to get so many things  
13 of water. They had to ration out how much do  
14 you use for drinking, how much do you use for  
15 eating, how much do you use for laundry.

16          Eventually -- FEMA was eventually was told  
17 they had to leave because the government didn't  
18 fund their relief process to be there longer  
19 than six to eight months. When they left, the  
20 residents had to figure out something.

21          So it's clear that historically the EPA has  
22 not done regular compliance to make sure that  
23 all businesses are in compliance. So if the EPA  
24 were to grant this permit, how are you guys  
25 going to make sure that they are being in

1 compliance? How often are you going to check?

2 When uranium mines, they have to be sealed  
3 in such a way, and they have to be -- if they  
4 were to shut down, everything has a process.  
5 You can't shut down everything overnight. So  
6 how is the EPA going to ensure that compliance  
7 is going to happen?

8 PRESIDING OFFICER HALL: Thank you.

9 Are Speakers 57, 58, or 59 here?

10 TONIA STANDS: Okay. My name is Tonia  
11 Stands, and I am from Oglala, South Dakota. And  
12 I could say that I grew up in this area in  
13 Hot Springs. And ever since I was a little  
14 girl, my grandmothers and my grandfathers  
15 brought me here to pray.

16 And at a young age I started running a -- we  
17 call it the Sacred Hoop Run around the Black  
18 Hills to honor our spiritual obligation to  
19 protect the waters and to protect the silent  
20 nations. And the silent nations are the animals  
21 that don't have a voice.

22 And they are not animals. They are -- you  
23 know, that's the -- they're our relatives. And  
24 when they -- earlier they were talking about the  
25 Great Race. And when we ran it, we were all in



1 the same language. We could all share the same  
2 language and communicate with each other.

3 And the reason I want to, you know, talk  
4 about that, because we have that. We are those  
5 people that won that Great Race around the Black  
6 Hills.

7 And the reason that, you know, we have this  
8 obligation is that, you know, we're in that  
9 time. We're in that time where the relatives  
10 don't have a voice to come here and talk to you  
11 personally.

12 You sitting there, you have no kind of sense  
13 or logic that they are talking to you. They are  
14 just -- just a -- you have that eminent domain  
15 in your head that they're not -- they're not  
16 important. You sitting there, you have that  
17 disrespect towards them.

18 And we're here. We're the people that have  
19 to remind you of that, that have to teach you  
20 about that. What we live in is a machine, money  
21 and progress. That's what you call it,  
22 progress.

23 You're progressing into a nuclear state.  
24 You're progressing us into something that we  
25 can't even manage. We didn't even know

1 Superfunds existed until the EPA -- the EPA  
2 started taking a look at it a long time ago.

3 And now we're here, and it's going to be  
4 2020. And again, you know, that was -- that was  
5 my idea that, you know, we have an EPA, they're  
6 going to protect the environment. You're not  
7 going to protect the environment. We all know  
8 your agency is in bed -- in bed with the system  
9 that's going to manipulate this progress, this  
10 so-called progress.

11 You know, we went to the State of South  
12 Dakota's -- South Dakota legislation to change  
13 this culture of irrelevance to our sacred sites  
14 off the reservation. And that's another  
15 manipulated system. You contain us to the  
16 reservation. But under those, our Black Hills  
17 are not for sale, you know.

18 The genius minds and our spirituality, how  
19 our ancestors, they foresaw that, you know, you  
20 all would come and destroy the headwaters.  
21 That's why in those treaties it says  
22 "headwaters." We give no consent to that.  
23 Those headwaters that are below us, we lived  
24 down there. We came out of Wind Cave.

25 Those aquifers that you're mining in, those

1           are ours. They are in Lakota. We came out of  
2           that cave. And like it's something, you know,  
3           inferior to say you come out of a cave. Huh.

4           You look at us and look how superior we are.  
5           Who in their right mind would go destroy  
6           headwater aquifers for the rest of these --  
7           uranium, the radioactiveness.

8           I don't care what kind of degree or  
9           experience you have. You just need common sense  
10          to understand that uranium is radioactive for  
11          billions of years. Put that in your vocab. Put  
12          that across your forehead. Billions of years.  
13          You're going to be long gone. We're going to  
14          destroy this Earth? Not me.

15          But we come from here. We have the say. We  
16          have the right. And we're saying no, no to deep  
17          injection well. That's disgusting to think of  
18          that process. And that's our mother. Let's go  
19          put a bunch of waste in your stomach and see how  
20          well you do. Let's go inject some waste in your  
21          liver, in your brain, and let's see how well you  
22          do.

23          These people don't have a choice. You're  
24          not giving them a choice. And we're not  
25          weaponizing our cultures, weaponizing anything.

1 Our culture is peace. We come with wowachanoa,  
2 and that means peace. Go in your history books.  
3 It said that peace pipe. That's why we're here.  
4 We're in peace.

5 Here's my five-minute mark. And I wish I  
6 could continue, but I -- I -- this is minimal.  
7 But again, think about that. Go home and put  
8 that on your forehead, billions of years.  
9 That's how -- what you're causing here.

10 PRESIDING OFFICER HALL: Thank you.  
11 Speakers 58 or 59?

12 BENEDICT GOOD BUFFALO: (Speaking in  
13 indigenous language.)

14 First of all, I want to explain myself, as a  
15 spiritual leader and for spiritual leaders on  
16 Pine Ridge Reservation, how important these  
17 elements are for us, the connections we make.

18 First of all, the fire; tate, the wind; and  
19 the water; and Unci Maka, Grandmother Earth.  
20 How she provided everything. She's the only one  
21 in our belief system that's woman. She provides  
22 everything for us. Skyscrapers, everything you  
23 see in the world, Grandmother Earth.

24 And today, these corporations, this  
25 monopoly, this -- and as a head man of the

1 Warrior Society, Black Hills Treaty Council, I  
2 came here before, I talked here before to  
3 different people. Not the same. I know they  
4 are not the same.

5 (Speaking in indigenous language.)

6 Everything that's on Earth, we are related  
7 to it all, the whole people. When we make a  
8 prayer, that's a universal prayer. It's not  
9 just for a certain group. No, it's universal.

10 (Speaking in indigenous language.)

11 Everything, I believe.

12 America, it's so much dollar signs in their  
13 eyes. My grandpa talked about the eyes, you  
14 know, on the dollar bill. And he said something  
15 that he'd really -- and I believe him.

16 (Speaking in indigenous language.) And today  
17 everything, money, money, money, money.

18 People are given jobs to do something, and  
19 corporations get money. And (speaking in  
20 indigenous language). And they're going to ruin  
21 it for themselves. And it's happening. It's  
22 happening today. (Speaking in indigenous  
23 language).

24 You sit there wondering what I'm saying,  
25 what I -- what I like to see happen. (Speaking

1           in indigenous language.) Corporations are out  
2           there doing this project over here. I wish  
3           they'd come to our reservation and talk to us  
4           spiritual -- talk to the people out there, not  
5           this here.

6           To me, this environment, come in here and  
7           talk and, (speaking in indigenous language). I  
8           don't have faith in you. I don't. Something's  
9           in the way. Something. I -- I don't know what  
10          it is. (Speaking in indigenous language.) Wish  
11          you would come down there and talk to the  
12          people. Why else are we here?

13          Because there's a lot of concerned Lakotas  
14          over there. There's a lot of concerned Lakotas  
15          over there that are afraid to come here and  
16          talk.

17          So when you say (Speaking in indigenous  
18          language). I'll tell you that much. And I wish  
19          you would look into that. We need for you and  
20          the corporations that are doing all the project  
21          out here to come out there and talk. Set it up.  
22          Make headline news so we will know.

23          (Speaking in indigenous language.) That's  
24          all I just want to say.

25          PRESIDING OFFICER HALL: Thank you.

1           Sir, can you tell us your name for the  
2           record? Sir? Sir?

3           (No response.)

4           PRESIDING OFFICER HALL: Speaker 58 or 59.

5           (Pause.)

6           ULRIKE WEAVER: Hello, everybody. My name  
7           is Ulrike Weaver. I'm from Germany, and I lived  
8           about 20 years in Porcupine on the Pine Ridge  
9           Reservation. And I want to give some  
10          information from my home country.

11          And in the late '70s, '80s, we were fighting  
12          the uranium power plants there. And we were  
13          thinking uranium is mined in Australia, South  
14          Africa, and we didn't know that right in the  
15          eastern part of Germany, there was a third  
16          biggest uranium mine. And nobody told us about  
17          it.

18          And after the war calm down, then this  
19          uranium mine was closed, and they started to  
20          clean it up, did remediation. And over the time  
21          of ten years, it had been cleaned as good as  
22          possible, and this costed 17 billion Euros, what  
23          is about \$20 billion. So just I want to put  
24          that number out. That is the first thing that  
25          has to be set aside to start with, start with

1 any mining if you follow your laws.

2 And another thing that I found out about  
3 radioactive elements in the atmosphere,  
4 environment, they did tests after uranium --  
5 atomic power test in Kazakhstan, and the  
6 scientists found out that the genetic code of  
7 several plants had been changed.

8 So instead of having one plant, after that  
9 they had three different plants. They all had a  
10 different genetic code. And that comes through  
11 all this radiation. So that's just one example.  
12 So, of course, when we drink the water, the  
13 radiation is not the main thing. But just the  
14 whole mining thing is bad to me. The uranium  
15 has to stay down, and that's where it's safe.

16 After we were finding those plants and we  
17 had all kinds of, you know, movement over there,  
18 I had the feeling always there was something  
19 missing. And in this late '90s, there was some  
20 Lakota people coming to Germany, Berlin,  
21 Germany, and they invited us over, me and some  
22 other people.

23 And I came over. And I didn't really have  
24 any intention to leave my country. And I just  
25 arrived down to Porcupine, and I look at the



1 Hills, and it's like the Hills telling me, You  
2 can learn something here. You come over here.

3 So that's why I came. Not really because  
4 people told me come or anything else, I came  
5 because I always say the land spoke to me. And  
6 over the -- it happened that I moved over.

7 And I learned at the college about natural  
8 science, but on the side, I also learned the  
9 concept of mitakuye oyasin, everything is  
10 related.

11 And I found that out, that people  
12 communicated with the Earth. They communicated  
13 with the Earth in a way that we don't do that in  
14 Germany. Germans like or Europeans like the  
15 Earth. And I'm not saying nobody does it, but  
16 it's like a picture. It's something nice to  
17 look at, but there is not the real communication  
18 there.

19 And what I found out is that the Earth  
20 speaks back. I have the feeling the Earth  
21 speaks back to me. I go to Germany, and I'm  
22 missing. There is people. They are nice. It's  
23 a family. But the Earth doesn't speak back to  
24 me. And that's what I'm missing.

25 And people think I'm a little crazy when I

1 start to talk about these kinds of things  
2 because that's not very usual. And when I want  
3 to describe it, it's like the Earth in Germany  
4 got a little autistic, you know? Like the  
5 people get autistic with the world and with the  
6 Earth, and the Earth gets autistic and can't  
7 really talk back no more.

8 I don't know how to describe it. And this  
9 is something very -- this is being part of  
10 something. It's not just having clean water.  
11 Of course this is something, and having clean  
12 air. But being part of something and feeling  
13 that something is wrong. And this has been  
14 mentioned before, so that's not so new.

15 But I just wanted to describe it from this  
16 looking of an outsider that you feel, you feel  
17 it in your heart. You feel it when they cut  
18 down the Boreal Forest in Canada, when the fire  
19 burns through Alaska. You feel it all of a  
20 sudden. You feel so much part of this Earth.

21 And I just wanted to put that in because I  
22 think this is the most important thing. And we  
23 don't want to have this whole area also be kind  
24 of, yeah, put -- put concrete on it and don't  
25 let it speak no more.

1           Okay. That's all I want to say. And thank  
2           you everybody for listening for me. Thank you.

3           PRESIDING OFFICER HALL: Thank you.

4           We're ready for Speakers 61, 62, and 63,  
5           please.

6           KYLE WHITE: (Speaking in indigenous  
7           language.)

8           I'm here today to talk about how we as  
9           indigenous people, Lakota people of this land  
10          have continuously be -- have been dehumanized.

11          The court reporter here is going to put into  
12          the transcript that there was native language  
13          spoken without any interpretation of our  
14          language, and so our voices continue to be  
15          silenced, and so we have to speak in our -- in  
16          the English tongue.

17          And so because they are not from here, they  
18          do not understand that, and so they do not  
19          respect us enough to offer that to us, to our  
20          elders who spoke as well. I noticed how while  
21          he was speaking, no typing was occurring. And  
22          so, you know, those are things that are  
23          continuously an issue.

24          We are dehumanized through the treaties. We  
25          are not afforded those rights. Our inherent

1       sovereignty is not being upheld. The United  
2       States Constitution treated as -- as treaties  
3       are supreme laws of the land.

4       I'm Oglala Lakota, and we have ordinances in  
5       place for this consultation to occur. And it  
6       seems to me that the EPA is following suit with  
7       the NRC of putting the cart before the horse,  
8       issuing these permits without any real  
9       consultation with any of the tribes. And so  
10      that's -- that's the issue.

11      Checking a box to say that they have come  
12      and they consulted, they are going to issue  
13      their permits, and then they'll come back and  
14      say, oh, well, we've consulted with the tribes.  
15      And so, you know, the process is flawed.

16      The government, accountability office issued  
17      that report on that same issue on tribal  
18      consultation. So, you know, they really need to  
19      take a look and understand their place in the  
20      government structure.

21      They are the ones who need to come to us as  
22      the holders, as the rightful heirs to our lands,  
23      to ask permission because that's the way the  
24      Supreme Court ruled. These treaties were made  
25      by our ancestors' understanding, the way that

1           they understood them at the time that they were  
2           written.

3           So by ignoring our consultation, we continue  
4           to be dehumanized by the government. The -- the  
5           D.C. District Court put that in their ruling  
6           with the -- with the NRC, that the information  
7           concerning the water isn't ready to be litigated  
8           because the NEPA process hasn't been fully  
9           completed by -- by the NRC staff.

10          And so with that piece of information  
11          missing, they're, again, putting the cart before  
12          the horse by not taking a full look at the  
13          entire EIS as it was finalized.

14          And so that's one of my comments to the EPA,  
15          is follow -- follow the Constitution, follow  
16          your ordinance -- your policies the way that it  
17          should be, and that you wait and hold off until  
18          everything is settled with the NRC, because this  
19          is just beginning. We've been here ten-plus  
20          years on this fight. It'll continue.

21          We have a lot of good lawyers who are on the  
22          side of the tribes and our communities here, and  
23          so we'll continue to fight. This fight will go  
24          on for decades. So we ask for you to wait your  
25          turn. We are -- we'll be getting to you soon

1 enough.

2 My time expired. So I thank you for  
3 listening to me.

4 PRESIDING OFFICER HALL: Can you state your  
5 name for the record?

6 KYLE WHITE: Tasunke Wambli. My government  
7 name is on this green card.

8 PRESIDING OFFICER HALL: Thank you.

9 Speaker 62, please?

10 Speaker 63.

11 URIAH LUALLIN: Hello. Name first; is that  
12 right?

13 PRESIDING OFFICER HALL: Please. Thank you.

14 URIAH LUALLIN: Uriah Luallin.

15 First, I want to say that I live here in  
16 town and that I have a well and -- that I use.  
17 And I've been told it comes from the Minnelusa  
18 Aquifer, which I think is involved in this  
19 process.

20 I read over the new draft proposal for the  
21 uranium mining, and I have some severe  
22 reservations about that proposal, and I would  
23 like to bring those to your attention. The  
24 first one is in Part 9 where it addresses what's  
25 called the downgradient compliance boundary

1 baseline monitoring.

2 This has been completely removed from the  
3 original draft, and this is a very, very  
4 important part, to monitor the downgradient.  
5 And I don't know why it was removed, but I would  
6 like -- I would ask that it be reinstated in the  
7 proposal.

8 Also, under Part 9, the six-month interval  
9 post-restoration groundwater monitoring, that  
10 also has been removed. And I believe that is  
11 also a very important part of this process and  
12 needs to be reinstated.

13 Moving along, probably the most important  
14 one is in Part 4 under "Well Operation." It  
15 simply states in Part 4 that the waste wells are  
16 limited to the fluids from the ISR process.  
17 That's it. And I've got some severe problems  
18 with that.

19 I have some suspicions -- I don't think I'm  
20 the only one -- that these waste wells are going  
21 to be used for something beyond that. And I'm  
22 talking primarily of the oil and gas industry  
23 that is constantly look for places to dump  
24 their -- their fluids from their process.

25 So I would like -- I would request that in

1 the proposal in the contract, that not only that  
2 it state this, but it have some way to police  
3 this action. And I don't think we can trust  
4 this corporate entity to police itself.

5 It's going to require that they pay, out of  
6 their pocket, an independent agency or group to  
7 monitor it day and night, such that an  
8 infraction of any kind would create a complete  
9 removal of the permit forever. It has to be  
10 strong. It has to have teeth. Because if we  
11 don't do this, if it's not there, it's going to  
12 happen.

13 And finally and lastly, the national  
14 Environmental Protection Act, of which your  
15 group is very intricately involved with, under  
16 that act is what's called the NEPA study, which  
17 has to be conducted if there's any kind of  
18 impact to the environment or to the surrounding  
19 people and communities involved.

20 And I'll tell you a little story. I went to  
21 the National Forest Service local office here.  
22 There was an informal trail on public land. And  
23 there was people that if they use it, they would  
24 probably get lost if they didn't know where they  
25 were going.



1           So I said, Look, you know, I'd like to put  
2           up some signs so that people don't get lost.  
3           And I will buy the signs, and I will do it  
4           myself. I just want your permission. And their  
5           response was I'd have to conduct a NEPA study.

6           So I asked them, I said, Well, what is this  
7           study? And they went on with a song and dance.  
8           It involves an archaeological study, hearings by  
9           the public, impacts on flora and animals, and  
10          everything in between.

11          I don't think the NEPA study that this group  
12          did for this well met that criteria. And I  
13          would like this, your agency, the EPA, to  
14          require them to do a full and complete NEPA  
15          study, just like everybody else has to.

16          PRESIDING OFFICER HALL: Thank you.

17          Is Speaker 62 available?

18          Let's move on then to 64, 65, and 66,  
19          please.

20          DEBRA LACKEY-HAY: Hello. My name is Debra  
21          Lackey-Hay, and I grew up around here. I lived  
22          out at Igloo. I graduated Edgemont.

23          And what we did out at Igloo, my father had  
24          a machine shop. And one of the things he did in  
25          this machine shop was he made hydraulic hose

1 fittings, which this company will be using when  
2 they use this in-situ leaching that they are  
3 proposing to do in the Dewey-Burdock area.

4 Now, these hydraulic parts had to be plated  
5 because there's all kinds of things that are run  
6 through these hydraulic fitting parts. One of  
7 them, in order for my father to plate these  
8 parts, involved sulfuric acid.

9 Now, I know what sulfuric acid does to the  
10 environment because my dad had to go through  
11 strict EPA laws just to handle this material.

12 And one time a little bit got spilled on the  
13 concrete, and it ate right through it. Nothing  
14 stopped it. It went through almost 4 feet of  
15 concrete floor. And they are wanting -- this is  
16 what they use for this leaching. They inject  
17 this leaching into the ground.

18 I want to know how this company proposes to  
19 handle this sulfuric acid that they use to leach  
20 their uranium out of the ground. There's  
21 supposed to be a safe -- this is supposed to be  
22 safe mining for uranium. It is not.

23 One thing this mining does not stop is the  
24 radon that is released from the uranium. The  
25 employees that will be working this will be

1 exposed to huge amounts of this radon gas.

2 When I lived in Edgemont through the '70s  
3 and the '80s, everybody in town had to put these  
4 little devices in their basement to measure the  
5 radon gas because everybody in Edgemont was  
6 contaminated with radon gas.

7 I know several people that died of lung  
8 cancer. But, of course, you're not going to get  
9 statistics to prove that it was from the radon  
10 gas, but it was.

11 My brothers were a part of the crew that  
12 cleaned up all the tailings in Edgemont. They  
13 today have lung problems from working there.  
14 But, of course, there's not going to be any  
15 proof that their lung problems were caused from  
16 this radon gas.

17 Plus, you know what? South Dakota in this  
18 area doesn't have that much water. Do you know  
19 how deep people have to drill a well in this  
20 area just to get water? And then a lot of the  
21 water comes out of the -- out of those wells  
22 boiling hot.

23 Out of Igloo, my father took the cold water  
24 tap -- or handle, put it on the hot water  
25 handle. He switched them because we used our

1 hot water heater for a cooling tank because  
2 otherwise you couldn't drink the water. It was  
3 too hot.

4 And now this company from Canada who has  
5 bought, I mean, 12,613 acres of land out at  
6 Dewey-Burdock from Canada. How did they even  
7 buy that land to begin with, without the  
8 citizens from South Dakota knowing about a  
9 Canadian company coming in and buying up all  
10 that land? How did that happen?

11 I can tell you. South Dakota, if you look  
12 it up on the internet, is the most corrupt state  
13 in the union of the United States. It's all  
14 over the internet. Everybody knows that  
15 South Dakota is so corrupt.

16 The citizens of South Dakota voted to get  
17 all the lobbyists out of South Dakota politics,  
18 and all the representatives, Republican and  
19 Democrat, voted against the people. They kept  
20 the lobbyists, and they are still here to this  
21 day. That is why this company was able to buy  
22 into South Dakota, because the government don't  
23 care. It is all about the money.

24 And also, I am a mutt. I am an American  
25 mutt. My mother is Native American-Spanish, and

1 my father is Scotch-Irish. My uncle Bob, Robert  
2 Vallejo, was one of the leading flintknappers in  
3 the country preserving arrowhead-making. He  
4 wouldn't teach me.

5 So I have a lot of history in this area. I  
6 helped ranchers herd their cattle out in that  
7 Dewey-Burdock area. I also helped ranchers  
8 clean up areas out there because of the uranium  
9 mining that went on before around Edgemont. And  
10 it was a mess, and it's still a mess out there.

11 And there is no way the land out there can  
12 support this type of mining. There is no way  
13 because of the porous land that is out there.  
14 There's no way they can contain sulfuric acid.

15 In fact, there's lots of history in Wyoming,  
16 in that area where they have tried this type of  
17 in-situ leaching before, and it's a mess. The  
18 Christensen Ranch in Wyoming was a disaster.

19 It gets into the water. And I'm sick and  
20 tired of hearing people say, Why should we  
21 pay -- be paying for what happened to the  
22 indigenous people of this land by a government  
23 that came in before us?

24 Well, I'll tell you why. We're still paying  
25 for it, even all the white people. We're paying

1           for it now because children are not healthy.  
2           They are not healthy, and they are not  
3           flourishing, they are not thriving.

4           And everybody has the right to thrive in  
5           their lives without a government institution and  
6           a corporation who is not a person.

7           Corporations are not people, and they have  
8           no right to be coming in here pushing people  
9           away from their right to thrive and survive on  
10          the land. Enough is enough.

11          I mean, you people may push this through,  
12          but there's enough citizens now who are not  
13          going to put up with this anymore. I'm retired.  
14          And if this goes through, you are giving me a  
15          new purpose in life because I will make your  
16          life hell -- and that's a promise -- if you do  
17          not start doing what is morally right for the  
18          people of the land and not for these  
19          corporations and the government. Because they  
20          don't care. It's all about money. Thank you.

21          PRESIDING OFFICER HALL: Thank you.

22          Are Speakers 65 and 66 ready?

23          NANCY KILE: Hello. My name is Nancy Kile.  
24          I am a resident of Sioux County, Nebraska. I'm  
25          also an Oglala tribal member. My father's

1 family occupied and settled in Sioux County near  
2 the Oglala National Grasslands.

3 I was born in Crawford where the Crow Butte  
4 mine resides, and I know how that mine came into  
5 my community. It was drought, it was fire, and  
6 it was flood. And there's a promise of jobs.

7 My family came from Oglala for jobs, and  
8 this Canadian company got its nose in the tent  
9 under an LLC, a simple LLC, and started  
10 poisoning my community and the headwaters of the  
11 White River, which I live 8.3 miles from.

12 Downstream communities, my people say no.  
13 No means no. I'm asking you to deny this permit  
14 because, like that woman before me, you're  
15 giving me a purpose, too. Because I'm not going  
16 anywhere. I came from people who will not be  
17 removed and will not be killed quietly.

18 PRESIDING OFFICER HALL: Thank you.

19 Is Speaker 66 ready?

20 JEFFREY LaRIVE: Good afternoon, everybody.  
21 Nice to see such a sizable turn out.

22 I have nothing to say but to echo my  
23 previous speakers. This project is a  
24 boondoggle. Powertech is a foreign company,  
25 like the previous speaker said. Their money is

1 not going to benefit the American economy.

2 The energy extracted from this mine is not  
3 going to benefit American energy independence.  
4 It's just a corporate shell game.

5 They are going to do what they want. They  
6 are going to take what they want. They are  
7 going to leave behind a mess, and we're going to  
8 pay for it. Whatever bond they put up is not  
9 going to cover the cost of reclaiming this land.

10 There are hundreds of uranium sites  
11 throughout California -- or, excuse me,  
12 South Dakota that have not been cleaned up for  
13 50 years. They are still leaching. They are  
14 still polluting the world. They are still  
15 creating cancer clusters.

16 I don't know if anybody remembers a  
17 photograph back in the '50s of the mayor of  
18 Edgemont eating a chunk of yellowcake to prove  
19 us -- to prove that it's not harmful. I believe  
20 that he died a horrible death from cancer.  
21 Maybe incidental, I don't know.

22 You know, they claimed that there will be no  
23 possibility of a mishap, of transfer of water  
24 between aquifers. We all know that's a lie.  
25 The subterranean structure is complicated, and



1           there's no way that anybody -- I don't care what  
2           degree you have -- can tell me the water is not  
3           going to transfer from one aquifer to another.  
4           And when it does, it's going to come up in your  
5           tap, and it's going to poison your life, and  
6           your children.

7           And, you know, I remember when the EPA had  
8           some teeth. When Nixon started the EPA, it was  
9           a great thing. It cleaned up some cities. The  
10          Chicago River doesn't burn anymore.

11          And now in the era of -- sorry to inject  
12          politics into this. But Trump, he's declawed  
13          the EPA. He's made it an instrument of  
14          corporate America. And we're -- you know,  
15          fortunately, we are not sitting around watching  
16          it. We're standing up. We're speaking.

17          And I'm not yet retired, but I soon will be.  
18          And when it happens, I will join my friends here  
19          and give them my all to stopping this horrible,  
20          horrible idea. Thank you.

21          PRESIDING OFFICER HALL: Thank you.

22          Sir, could you give us your name.

23          JEFFREY LaRIVE: Jeffrey LaRive,  
24          L-A-R-I-V-E.

25          PRESIDING OFFICER HALL: Thank you.

1           Are Speakers 67, 68, and 69 -- there's a mic  
2           on the floor if you prefer.

3           DEBRA WHITE PLUME: (Speaking in indigenous  
4           language.)

5           My name is Debra White Plume. I am Oglala  
6           Lakota and Cheyenne from the beautiful  
7           Pine Ridge homeland. I am from the 1851 and  
8           1868 treaty territory lands and waters of  
9           ancestral territory, great cultural  
10          significance.

11          Your process wants us to identify sacred  
12          sites, but Mother Earth is a sacred site. We  
13          have sacred places here which correlate to star  
14          constellations. That's how old we are. We  
15          can't name for you a specific date. It goes  
16          back too far.

17          I recognize you as a department, invader,  
18          and settler government who occupies our ancient  
19          and sacred Mother Earth right now. Your laws  
20          require you to be here today so you can  
21          determine whether or not Powertech/Azarga can  
22          further violate lands, water, and all of life  
23          with permits. You're not the decision-makers.  
24          I know that.

25          The EPA's decision to issue or deny permits

1           to inject toxic water into groundwater impacts  
2           my family as the aquifers in the Black Hills  
3           connect to the Arikaree and Oglala aquifers  
4           where I live, as do the surface waters and the  
5           mine site connect to the surface waters where I  
6           live along the banks of Wounded Knee Creek.

7           My blood obligates me to voice my opposition  
8           to the uranium mining and injection wells that  
9           will go into the ground. This water we are  
10          given is finite, and through this water, we are  
11          given life. We are obligated to protect sacred  
12          water for coming generations and Mother Earth.

13          In this place, there are petroglyphs of my  
14          nation. These mountains, we named them --  
15          Hinyan Kaga Paha, Mato Paha, Mato Tipila, Pe  
16          Sla, Inyan Kara. These are our names that your  
17          fed gov goes by, too.

18          A decision to issue permits will unleash a  
19          monster that cannot be destroyed. Remember that  
20          old saying: Whatever befalls the Earth, befalls  
21          the people of the Earth.

22          It is the insane act of Fat Taker to poison  
23          your own water to put money into someone else's  
24          pocket, Canada's pocket, China's pocket. In  
25          order to feed an insatiable beast, who will

1 never be satisfied, that's Fat Taker. That's  
2 corporations.

3 The Lakota prophesy tells us that someday  
4 the Earth will weep. And if you do not help  
5 her, she will die. And you will die, too. This  
6 is what compels us as Lakota Oyate and Cheyenne  
7 people to come here and share our voice with  
8 you.

9 I know you're not the decision-makers. They  
10 are someplace else. I know Powertech is  
11 probably in this room, wanting to contaminate  
12 our sacred lives.

13 Your laws create regulations that can  
14 approve or deny permits. Do not choose to  
15 regulate us into extinction. Deny the permits.

16 (Speaking in indigenous language.)

17 PRESIDING OFFICER HALL: Thank you.

18 EARL TALL: Hello. My name is Earl Tall  
19 from Manderson, South Dakota. I heard some -- a  
20 lot of good words today, especially from our  
21 allies who are willing to sacrifice.

22 First of all, I'd like to say that you  
23 people are all on stolen treaty lands.

24 (Speaking in indigenous language.) This is our  
25 lands. And we're being ignored by your

1 processes. Our culture, everything, you're  
2 trying to ignore the Lakota people.

3 With that, I'd like to mention a few things  
4 from the Bible. Some of you guys are -- most of  
5 you are probably Christians. You guys know  
6 about Cain. I think a lot of you must be --  
7 come from that side of the family because you  
8 have no regard for human life.

9 Like I said, there's a lot of people talk  
10 good today. I come from the -- I'm with the  
11 American Indian Movement. And our motto is,  
12 Anytime, Anywhere, Anyhow [sic]. We'll always  
13 be here. Hau.

14 PRESIDING OFFICER HALL: Thank you.

15 STUART RICHARDS: My name is Stuart  
16 Richards. I was a teacher at -- up in  
17 Porcupine, South Dakota. I got my degree from  
18 Chadron State College. I've lived in this area  
19 for many years. Those are my credentials.

20 I've come here to speak out against this.  
21 But I'm not going to preach to the choir,  
22 because you guys don't need to learn anything  
23 from me. I'm not going to talk to you guys,  
24 because you're doing your best. I'm going to  
25 talk to the people in charge, the people who

1 actually have the power to stop this.

2 Because I'm going to tell you a story about  
3 Crawford. See, Crawford had a mine. And now  
4 the -- then the federal government ordered them  
5 to get a new water system, and now everyone in  
6 Crawford's taxes went up by \$200 a month to pay  
7 for it.

8 And when is the last time you heard of a  
9 Republican wanting to raise your taxes in order  
10 to get reelected? When is the last time you  
11 heard of that working? Yeah. I think you guys  
12 better knock this off, or you're going to lose  
13 your jobs. Then you -- then you can fight for  
14 15 when you're flipping burgers with the rest of  
15 us.

16 But anyway. No. I just -- everything  
17 that's been said here is the truth. And I don't  
18 know if they are going to listen to it, but it's  
19 in their interest to listen to it. It's in  
20 their interest to let us live our lives. It's  
21 in their interest to keep the guillotine  
22 insurance paid up.

23 Thank you very much.

24 PRESIDING OFFICER HALL: Thank you.

25 Speakers 70, 71.

1           TOM SWIFT BIRD: So one thing that's  
2           striking to me, having been involved in this  
3           issue for a number of years now, even coming to  
4           the same place for similar hearings, is just how  
5           many of the same people you see. So, hello  
6           again.

7           For those who don't know my name, my name is  
8           Tom Swift Bird. I'm member of the Oglala Lakota  
9           tribe. And there's -- after a whole day of  
10          this, there's really not much new that I can say  
11          or bring to you here. It's been good to sit out  
12          there and listen to you.

13          But, basically, you don't need me here to  
14          say that this isn't for 99 percent of the people  
15          around here. It's really kind of for the  
16          profits of some 1 percent that really doesn't  
17          even live around here or have much connection to  
18          the area.

19          And we see this process repeat quite a bit  
20          in our lands, as that it almost feels like we're  
21          regarded as disposable. Native American tribal  
22          members, disposable. Ranchers, disposable. You  
23          know.

24          I can think of stories from my own culture,  
25          you know, from the 1800s how they would talk

1           about going to the Badlands and finding this  
2           yellow dirt, and the stories conveying how the  
3           yellow dirt is not to be disturbed, even  
4           saying -- giving it a personality and saying  
5           it's a thing that likes to stay deep in the  
6           ground with probably the goal of having people  
7           not mess with it because, even back then, it  
8           would make people sick.

9           And supposedly with all the science and the  
10          expertise, it seems like people would know that.  
11          But I don't think the problem really is that  
12          they don't know it. I think it's entirely  
13          known.

14          I think just, we're more or less viewed as  
15          disposable to the profiteering of a handful of  
16          people. Maybe it'll come out to 20 people, 50  
17          people. Who knows.

18          And that's all all right. And we've already  
19          heard a lot about that today, so I don't really  
20          have anything new to add. Just added my voice  
21          in opposition to it as well. Thank you.

22          PRESIDING OFFICER HALL: Thank you.

23          REBECCA TERK: Good afternoon. My name is  
24          Rebecca Terk. I hail from Toronto,  
25          South Dakota, which is in the Dakota homelands



1 on the eastern side of the state.

2 I work as a community organizer for Dakota  
3 Rural Action, and so generally speaking, it's my  
4 job to get other people up here. That wasn't my  
5 job here today. My job was to come here and to  
6 show up and to support the folks who live here  
7 and the folks who call this place home and the  
8 folks that are here to protect this water.

9 So in the eastern part of the state, we have  
10 quite a lot of water, much of it contaminated,  
11 in fact almost all of it contaminated by  
12 industrial, agricultural runoff. That's what  
13 we've done in the Dakota homelands in the  
14 eastern side of the state.

15 I don't drink water out of the tap there  
16 unless I have to. But I've come here, and I've  
17 actually been spending more and more of my time  
18 here. I'm about half-time on this side of the  
19 state fighting the Keystone XL pipeline.

20 And in fact, that's why my comments are not  
21 going to be as scientifically substantive as  
22 they might have been had I not spent the last  
23 two days in Pierre arguing with a state agency,  
24 the Department of Environment and Natural  
25 Resources water management board, about how it's

1           their job to protect our water.

2           And now I'm here today to talk to a federal  
3           agency and say -- remind you that it's your job  
4           to protect the water. It's your job to protect  
5           these people and this land. And I hope you  
6           will, and I hope you will deny these permits.  
7           Thank you.

8           PRESIDING OFFICER HALL: Thank you.

9           Speakers 72, 73, and 74?

10          MARTIN MEYER: Hi. My name is Martin Meyer,  
11          and I'm from Hot Springs, South Dakota. I enjoy  
12          drinking clean water. Our water on tap here is  
13          almost good enough it could be filtered. I  
14          enjoy having that water protected. And as the  
15          previous speaker said, that is -- that is your  
16          job, your duty.

17          To placate is to appease or pacify,  
18          especially by concessions or conciliatory  
19          gestures. I really hope -- I always get a sick  
20          feeling, because we've been doing this for  
21          years, and a lot of people have worked a lot  
22          harder than the time I've spent. I was at the  
23          water permit hearings.

24          People have worked hard. They are  
25          passionate about this. It feels like we are

1           placated because it keeps coming up. This is --  
2           this is so ridiculous that we're even  
3           considering something like this.

4           Every time we're called to do this and see  
5           people having to be called to do this, it's so  
6           frustrating because we're living in the midst of  
7           a mass extinction on our planet right now. And  
8           to not realize something as precious as water  
9           and to risk our water is insanity.

10          The EPA is an agency of the U.S. Federal  
11          Government whose mission is to protect human and  
12          environmental health. That's what it was  
13          formulated for.

14          Nixon didn't do it because he was an  
15          environmentalist. He did it because there are  
16          environmentalists, people like us, people like  
17          you, who were raising concerns about the  
18          environmentAnd they did it to address those  
19          concerns.

20          That's why the EPA is here, and that's what  
21          the duty is of the EPA. I was looking for  
22          things to be encouraged about the EPA. I read  
23          an article in the National Geographic, "Five  
24          Reasons to Like the U.S. EPA."

25          Basically, the subtitle of that is, "It

1 keeps a lot of dangerous stuff from being dumped  
2 in our air, water, and land." That's what it  
3 says the EPA does, five things to like.

4 Legislation regarding air, water, pesticides  
5 hazardous materials, and the climate. They  
6 passed the Clean Air Act of 1970. It gave the  
7 EPA the authority to regulate harmful air  
8 pollutants. Americans were dying from heart  
9 disease linked to lead poisoning.

10 In '74, the EPA began a phaseout of lead  
11 gasoline. It took until 1995 to completely  
12 remove it. The result has been a measurable 75  
13 percent drop in blood lead levels in the public.

14 It's the most costly division -- it's the  
15 most costly project that the EPA has, dealing  
16 with air pollution. It's considered the biggest  
17 burden the agency imposes on the economy.

18 But the Federal Office of Management and  
19 Budget, using data from 2004 to 2014, estimates  
20 that health costs and other benefits of the rule  
21 exceeded the cost by somewhere between 113 and  
22 700 billion dollars a year.

23 This is why we have Superfunds. It's a  
24 waste of money. It could have been dealt with  
25 to start with. South Dakota has four Superfund

1 sites. We don't have one like we should have  
2 one in Edgemont to clean up uranium mining  
3 that's already been done there.

4 But how ridiculous is it that we create  
5 Superfunds to clean up a mess where we should  
6 have known better in the first place.

7 Water. They created the Clean Water Act of  
8 the 1972. The simple goal was to make every  
9 river, stream, and lake in the U.S. safe for  
10 swimming and fishing.

11 I went on a float trip on the Missouri  
12 breakwaters in Montana. They warn you against  
13 filtering the water to drink it. You can't even  
14 filter the water in the Missouri because it's so  
15 toxic from glyphosate.

16 Monsanto gets away with murder. And the  
17 original director of the EPA was also on the  
18 board for Monsanto later on. So that's how in  
19 bed everybody is. That's what we're dealing  
20 with here. That's why this is so frustrating.

21 Pesticides. Thanks to Rachel Carson and her  
22 book, "Silent Spring," in 1972 the EPA  
23 effectively banned the use of DDT except in  
24 limited cases.

25 Hazardous waste. In 1976, Congress passed

1 the Resource Conservation and Recovery Act,  
2 giving EPA the authority to regulate hazardous  
3 waste from cradle to grave. That act gives you  
4 the authority to regulate hazards from cradle to  
5 grave. That's what we're asking you to do.

6 The climate. We're in the middle -- as I  
7 said, there's a mass extinction going on right  
8 now, if that isn't enough to open people's eyes.  
9 There's a lot going on on the planet.

10 And I know -- I read the article. There was  
11 something about Azarga or Powertech wants to  
12 eliminate the concerns or the right of Native  
13 Americans to claim the sacred space because they  
14 didn't state a specific one. How about the  
15 entire Black Hills, the entire Paha Sapa, that  
16 is the sacred site.

17 The power that these companies have is  
18 beyond what they should have, to be able to do  
19 what they are doing, when you have an agency  
20 that is supposed to regulate that, water is  
21 gold.

22 Fracking. People had concerns about  
23 fracking before fracking started. Contamination  
24 of groundwater, methane pollution, air  
25 pollution, exposure to toxic chemicals,

1 blowouts, waste disposal, large volume water in  
2 use in deficient areas where fracking is used,  
3 earthquakes.

4 Storage for the wastewater can take place  
5 either on site in an injection well, or in  
6 open-air ponds in the surrounding areas.  
7 Transport of the waste poses a contamination  
8 risk outside the actual well location.

9 Air pollution also extends beyond the  
10 immediate drilling site and transportation  
11 routes, since a by-product of natural gas  
12 drilling is methane gas, one of the worst  
13 greenhouse gas pollutants contributing to  
14 climate change.

15 Fracking was said to be safe. They allowed  
16 it to happen. It's happening now. They were  
17 saying this is safe. Unless they can tell us  
18 100 percent -- I don't care what study there is.  
19 There is not anything that says that there is  
20 not a risk. And if there is a risk, then we  
21 shouldn't do it.

22 One more thing, the Environmental Protection  
23 Agency, you guys, the United States Geological  
24 Survey recently confirmed what residents of  
25 Pavilion, Wyoming, had been claiming, that

1 hydrofracking had contaminated their  
2 groundwater. I bet those people were told it  
3 was safe. I bet their groundwater, they told  
4 them, was going to be just fine.

5 The Environmental Protection Agency  
6 initially, under an emergency administrative  
7 order --

8 (Request made by court reporter.)

9 The Environmental Protection Agency  
10 initially, under an emergency administrative  
11 order, forced three oil production companies  
12 operating on the Fort Peck Reservation to  
13 reimburse the city of Poplar, Montana, for water  
14 infrastructure expenditures incurred as a result  
15 of drilling contamination.

16 Again, I bet the people of Poplar, Montana,  
17 were told, Don't worry, it's going to be just  
18 fine. Case after case after case like this in  
19 the U.S. is happening. And if we can't learn  
20 from fracking, and if we can't learn from what's  
21 going on in the environment, and the concerns of  
22 these people, and the concerns of the Native  
23 Americans, this is wrong.

24 And it -- it seems like a simple thing. And  
25 it gets complicated because big money likes to



1           complicate it. And big money likes to come in  
2           and tell us that everything is going to be just  
3           fine. And it's not. We have proof of that.

4           So I would urge you, we have -- we are  
5           putting our faith in you. And as somebody said  
6           prior, I know you're here to just listen to us,  
7           you're not the decision-makers. I appreciate  
8           you being here and taking the time.

9           And I hope that these concerns are put forth  
10          legitimately and eloquently so that they can be  
11          understood. And I hope that we don't have to  
12          continue fighting for something as simple as  
13          having good, clean water.

14          The number one economic driver in Fall River  
15          County is agriculture, agriculture and tourism.  
16          Do we really want to risk that? That's our  
17          number one economic driver. If we have water  
18          that's contaminated, we lose that.

19          PRESIDING OFFICER HALL: Thank you for your  
20          comments.

21          Speakers 73 and 74, please. 73, 74, 75?

22          CINDY BRUNSON: I'm 74.

23          PRESIDING OFFICER HALL: You're 74? Can you  
24          come up and -- thank you.

25          CINDY BRUNSON: Hello. My name is Cindy

1 Brunson. I'm a local rancher. I'm also a life  
2 member of the VFW and the American Legion  
3 Auxiliary.

4 My concern today here is uranium going to a  
5 foreign country with all the turmoil in the  
6 world. Once a product is out of the ground, no  
7 one will know where it goes. I see every day  
8 the damage to our veterans, but you want to mine  
9 a product that is the product of mass  
10 destruction.

11 As a rancher, I have to have a cultural  
12 resource study done so that I can do work on my  
13 property. So I see no reason why a foreign  
14 company should be exempt from this cultural  
15 resource study.

16 I came to Edgemont when they were trying to  
17 clean up from the last uranium mining. And the  
18 process may be different, but the results will  
19 surely be the same.

20 I am greatly concerned about the water  
21 because, as the previous gentleman talked about,  
22 if we don't have water, especially in this area  
23 of the state, we won't have agriculture. And  
24 that's what supports our whole community.

25 So the other thing, we -- you know, they are

1           issuing permits, the State of South Dakota.  
2           They are supposed to be protecting our water.  
3           But in the past -- we now own a piece of  
4           property that water permits were issued for a  
5           bill trash landfill.

6                   And when it came to the people of  
7           South Dakota, they unanimously voted it down.  
8           But yet, our DENR issued the water permits, and  
9           it had to be the people that came forward to  
10          stop it.

11                   So I sure hope that these people's voices  
12          are heard and this gets stopped. Thank you.

13                   PRESIDING OFFICER HALL: Thank you. Does  
14          Speaker 73 still want to speak?

15                   Let's go to Speaker 75, 76.

16                   STEVE JARDING: Hello. My name is Steve  
17          Jarding. For the last 16 years, I've been  
18          teaching government and leadership at Harvard  
19          University. And I don't want to try to address  
20          areas that I have no expertise, and that is  
21          really a lot of the environmental stuff. I  
22          think we've had those experts, and I think we've  
23          seen from that expertise the damage that these  
24          types of projects do.

25                   I would like to rather speak about my areas

1 of expertise, leadership and government. And I  
2 will tell you -- and I address this to the  
3 leaders of the Environmental Protection  
4 Agency -- what you are doing is not leadership.  
5 You took an oath.

6 I spent ten years in Washington working on  
7 Capitol Hill, and I took an oath. We all do.  
8 We were to uphold the Constitution. We were to  
9 serve the public to the best of their interests,  
10 not ours.

11 What is happening with the EPA today is that  
12 the leaders of the Environmental Protection  
13 Agency -- and think of that name. Environmental  
14 Protection Agency.

15 The fact that we have to have hearings to --  
16 to decide whether we should dump pollutants into  
17 the ground, and we call ourselves a protection  
18 agency, and we took an oath -- your bosses took  
19 an oath. If they don't want to protect the  
20 environment, leave. That's your job.

21 They are turning the Environmental  
22 Protection Agency into the Environmental  
23 Destruction Agency, and it's not that  
24 responsibility.

25 Leadership is by definition effecting change

1 in a positive way for multitudes of people for  
2 lengthy periods of time. That's the basic  
3 definition of leadership. And what the EPA is  
4 doing is the opposite of leadership.

5 My God, it's a protection agency. And  
6 you're not going to get this back, by the way.  
7 We have lost 50 percent of all the animals on  
8 planet Earth in the last 40 years. 46 percent  
9 of all the birds on planet Earth. We have lost  
10 33 percent of amphibians on planet Earth.

11 This planet is dying. And America is  
12 supposed to lead. We have a legacy of  
13 leadership. Not at the EPA today. There are  
14 legacies that will outlive your leaders. And  
15 when they dump and contaminate and turn this  
16 area into a wasteland and, worse, take this land  
17 that is not ours from the next generations, they  
18 defy the very meaning of leadership.

19 It's not that difficult. What is government  
20 for if not to protect? Government isn't here to  
21 sell out. In 2001, there was 16,000 lobbyists.  
22 Today it's -- 16,000 lobbyists in Washington.  
23 Today there's almost 50,000. In 2001, the  
24 lobbyists spent \$25 million to lobby Congress.  
25 It just went over \$600 million a month. These

1           guys are sold out.

2           Guys, it's not your -- it's not your duty to  
3           -- if you want to sell out, go do something  
4           else. But do not claim to serve the people of  
5           the United States, because that is not service,  
6           and your legacy will outlive you.

7           We get one shot, and this planet is dying.  
8           And the one nation that the world has looked to  
9           to lead by example is this one. And your  
10          leaders in this most critical agency at this  
11          most critical time have turned it into a joke.

12          Shame on them. I would call on them to do  
13          the right thing, to think about the oath they  
14          took. Because -- because if you don't, then  
15          that too is a shame, and you should not be  
16          someone who claims to work for the people of the  
17          United States.

18          When 43 percent of corporations in America  
19          last year paid nothing taxes, and we turn around  
20          and give them permits to destroy the land,  
21          what's the matter with us? That's not leading.

22          Your bosses need to know that they get one  
23          shot at a legacy, and right now their legacy is  
24          destroying the planet at the most critical time  
25          in this planet's existence, in the most critical

1 country in the world.

2 They will either do the right thing or the  
3 world will suffer, the planet will suffer, and  
4 their legacy will be a joke. Thank you.

5 PRESIDING OFFICER HALL: Thank you.

6 Is Speaker 76 ready?

7 MONIQUE MOUSSEAU: Good late afternoon.

8 (Speaking in indigenous language.)

9 I am a -- have heard everybody saying  
10 they're members of something. I am a lifetime  
11 member of the Oglala Lakota, and I am very  
12 humbled to be here in front of you today.

13 (Speaking in indigenous language.) I extend a  
14 warm handshake to each and every one of you.

15 I am -- I have two degrees, and I feel  
16 obligated to introduce myself in a very, very  
17 cultural way. I represent the lesbian, gay,  
18 bisexual, trans persons, queer, and two-spirit  
19 oyate people.

20 I have been with my lifetime partner, Felipa  
21 De Leon, for 14 years. And we have come upon  
22 and have very, very much, with our humble  
23 hearts, been active in environmental causes to  
24 the extremes of we are reaching that threshold  
25 in our life now that we are here to protect

1 Mother Earth.

2 And just to get that introduction out of the  
3 way, I want to say that I would like the  
4 Environmental Protection Agency to know that  
5 this is wrong, and we highly oppose anything  
6 that they try to do going forward.

7 I think the whole entire Environmental  
8 Protection Agency has to understand, you're not  
9 only affecting right now, we are taking up a  
10 major, major cultural journey. You're affecting  
11 generations to come.

12 We all know that we have taken Mother Earth  
13 for granted, Unci Maka. And I can't sit down  
14 anymore. I cannot sit down. I cannot be quiet.  
15 It's -- it's terrible that we have to be up here  
16 in a hearing method, and the heads of EPA and  
17 the President of the United States can't  
18 understand that.

19 Generations before us, you guys created  
20 cement, which is breaking down the layers. You  
21 created products that last over 50 to 100 years.  
22 Where are you stockpiling that?

23 And then you're bringing this uranium, and  
24 you're injecting it into the ground. That's  
25 like stabbing -- stabbing each -- even you, you



1 workers for the EPA, that's stabbing you.

2 We are Lakota. We are indigenous Native  
3 Americans. We are Mother Earth. We were here  
4 before you came. We're the only ones that can  
5 stop this from happening.

6 And I have to stand up here, and I have to  
7 oppose you. And I know everybody, and I humbly  
8 ask for your forgiveness, and I apologize if I'm  
9 speaking out of time.

10 But I have to tell you, EPA, this is wrong.  
11 This is terrible what you're doing. Because my  
12 grandkids are growing up. They are going to  
13 have kids. I know each and every one of you has  
14 kids. Your kids are going to have kids. Their  
15 kids are going to have kids. Are they going to  
16 even have a place to stay?

17 One more thing. Never, ever take money over  
18 where you live. Water is the most important  
19 thing. Mni wiconi. Water is life. It's the  
20 most important thing. It is a cleansing  
21 process. It's already dirtied up. We're not  
22 doing anything to fix it.

23 EPA, you're just doing stuff to get it even  
24 worse. Stop it. I fully, 100 percent oppose  
25 this. Please don't do it. Stop it. Do not

1 allow this to happen. Is that it?

2 (Speaking in indigenous language.)

3 PRESIDING OFFICER HALL: Thank you.

4 Speakers 77 and 78?

5 JASON RUTZ: Hello. My name is Jason Rutz.

6 I'm 40 years old. I'm from Hot Springs here.

7 My heart is beating a little bit fast. I  
8 wasn't planning on being here today. I was  
9 supposed to be out of town. But we didn't make  
10 it, so I'm here. And I'm glad to be here, glad  
11 to see so many people standing up and talking  
12 about this issue.

13 But my hope is that this is just a process  
14 that you guys have to go through and that that's  
15 what you're doing, that you're actually not  
16 going to consider this.

17 I'm doubtful because we've already been here  
18 how many times. And I'm not really an expert in  
19 anything. The experts have already spoken.  
20 There's no guarantees that that water is going  
21 to stay where they put it, and they've already  
22 pointed that out.

23 I feel the need to stand up and talk because  
24 I have children, and I hope they continue to  
25 live here in the Black Hills and raise their

1 children and their children's children. You  
2 know, I realize you guys are just here  
3 representing this huge agency that you have no  
4 control over.

5 But my first experience with the EPA, I was  
6 about 20 years old, and I was building cooling  
7 towers for a company out of Oklahoma. And we  
8 were on Highway 30, south of Baton Rouge,  
9 Louisiana, and we were building a cooling tower  
10 at a fertilizer plant.

11 And they would run this stack in the middle  
12 of the day. They would only run it for an hour.  
13 And it was a urea stack, and it was giving off  
14 this really nasty, orange-colored smoke. And  
15 they could only run it for an hour because that  
16 was the regulation.

17 And they dubbed that highway Cancer Alley.  
18 BASF, DuPont, Dow, they all have their  
19 refineries, their chemical plants down there.  
20 People die from cancer every day there.

21 And one night, my buddy and I, we were  
22 outside of our hotel. We noticed the air was  
23 really orange. It had this real dingy orange  
24 color to it. And we were only about 2 miles  
25 from the plant, so we just took off and drove

1 down the highway.

2 And we passed the plant, and there that urea  
3 stack was just running full blast, kicking that  
4 stuff up there.

5 So I asked this Cajun guy the next day, I  
6 said, Hey, how come that stack was running last  
7 night? He says, Well, the EPA, they don't work  
8 at night.

9 And, you know, that's just kind of how it  
10 is. You guys going to be down there at  
11 nighttime monitoring these things, you know?

12 I mean, like I said, I hope that this is  
13 just a process that you guys have to go through  
14 because the idea of injecting this wastewater  
15 back into the water table is -- just seems  
16 asinine to me. I mean, it's -- it's got me a  
17 little -- it's got my blood pressure up.

18 I worked for a survey and design company out  
19 of Tulsa, Oklahoma, and we were working on a job  
20 in the Barnett Shale in the Dallas-Fort Worth  
21 area. I worked directly at the table at the  
22 coordination meetings three times a week. I've  
23 seen how these companies operate.

24 I've seen how their PR people operate. I've  
25 seen how they get around the permits, how they

1           use the permits, how they create their own  
2           little sister companies for environmental  
3           research. It's all in-house, you know. I saw  
4           it operate. It's crazy.

5           And you hear these things, and you hope to  
6           think that it's not all bad, right? But it's  
7           all about the bottom line. The problem with the  
8           bottom line is water is the basis for all  
9           economic value. And we have to take care of the  
10          water, along with everything else.

11          I mean, here we are giving public comment on  
12          future uranium mining when we've got nearly  
13          300,000 gallons of radioactive water dumping  
14          into the Pacific every day from this Fukushima  
15          plant.

16          We've got people on the other side of the  
17          Pacific Ocean, they don't know what the hell to  
18          do. I mean, they don't know what to do. And  
19          here we are on the other side of the issue  
20          trying to get more out of the ground, so we can  
21          use more, so we can create more of this problem  
22          that we don't know how to deal with.

23          I've read reports that say that 90 percent  
24          of America's nuclear power plants are in some  
25          sort of disrepair and leaking radiation. It's

1           crazy that we're even sitting here and talking  
2           to you guys today. It's insane.

3           You all are here. You have to relay the  
4           message to who matters. It's not okay.

5           PRESIDING OFFICER HALL: Thank you.

6           ANONYMOUS SPEAKER: I'm a resident of  
7           Hot Springs. I'm a resident here in the Black  
8           Hills and here on planet Earth. When you  
9           consider the source of planet Earth and all the  
10          nature on it, it's all the commons. And when  
11          you consider the source, it has to be sacred  
12          because that's where it came from, all of it.

13          The idea that we can own any of the commons,  
14          issue permits to do anything, is insane -- to  
15          the commons, is insane. It's ludicrous. It's  
16          stupid.

17          And anything with all those hallmarks of  
18          insane, ludicrous, and stupid is part of a very  
19          nefarious agenda. It's a control system agenda  
20          that's been in progress for, some believe,  
21          70,000 years when this planet was hijacked by a  
22          control system.

23          So minds that -- there is nothing ecological  
24          about any kind of mining. And any kind of  
25          mining that includes injection wells, one or

1 more, is not about the ore that they claim  
2 they're going to be mining.

3 It's about this agenda to destroy the  
4 biosphere of this planet so us humans and all  
5 other life on this planet that require similar  
6 conditions to live in will no longer be here.

7 Multiple people have pointed out the  
8 extinction event that's going on. That is why.  
9 It's this agenda.

10 We can stop it. It doesn't have to be  
11 played out to its end that the control system  
12 wants. But we have to remember our connection  
13 to source, to the sacred, and honor it, no  
14 matter what. Thank you.

15 PRESIDING OFFICER HALL: Thank you.

16 Can you say your name, please? Can you tell  
17 us your name, ma'am?

18 ANONYMOUS SPEAKER: No. Anonymous.

19 PRESIDING OFFICER HALL: Is there anyone  
20 else who has registered to speak who has not had  
21 a chance to speak?

22 Is there anyone who has not registered to  
23 speak, has not spoken, but would like to say  
24 something?

25 We have just a little bit of time.

1 UNIDENTIFIED AUDIENCE MEMBER: I spoke this  
2 morning, but I would like to add something to  
3 it.

4 PRESIDING OFFICER HALL: Let me make sure --  
5 just a moment. Let me just make sure that  
6 everyone who -- anyone who has not spoken,  
7 because there's a couple people who have  
8 registered but still haven't come up.

9 So is there anyone who would like to speak?  
10 Come on up.

11 UNIDENTIFIED AUDIENCE MEMBER: I've spoken.

12 PRESIDING OFFICER HALL: Oh, okay.

13 Anyone who has not spoken who would like to  
14 speak? Because we have very little time left,  
15 so I don't want to --

16 Do you want to come up and say something?

17 HAYDEN DEER: Yes.

18 PRESIDING OFFICER HALL: Okay.

19 Can you say your name before you start.

20 HAYDEN DEER: My name is Hayden Deer.

21 First of all, I do not approve at all of  
22 this uranium wastewater that is going to be  
23 injected into our aquifers. Most of the  
24 aquifers around here are connected some way or  
25 another.



1           Well, I have a well and, yeah, it runs out  
2           of an aquifer, and I do not want it polluted  
3           with uranium. Thank you.

4           PRESIDING OFFICER HALL: Thank you, Hayden.

5           Is there anyone else who has not spoken who  
6           would like an opportunity to say something on  
7           the record?

8           Okay. So, I'm sorry. I don't remember your  
9           name. If you want to come up and add a couple  
10          of statements.

11          If there is someone that comes, I'd like to  
12          hear from them before we move on to other folks  
13          who have already spoken. So come on up. And  
14          say your name again for the record, please.

15          MARY HELEN PEDERSON: Mary Helen Pederson.  
16          It's Helen, with an H. Pederson, not Peterson.

17          I just wanted to add, this morning I said I  
18          copied all of your -- that you put on the  
19          internet all of the comments that was made from  
20          2017. I went through that and figured out that  
21          there was 97 percent of the people that spoke  
22          was against this proposal to begin with, and  
23          only 3 percent of the people who spoke for it,  
24          and most of them were from Edgemont.

25          Tonight -- or today, I've been keeping

1 track. There's been nobody for this redoing of  
2 the same thing that we wanted voted down before.

3 So how many times are you going to come up  
4 here with some word change or something taken  
5 out or something added and ask us to testify why  
6 we think it's a bad idea?

7 PRESIDING OFFICER HALL: Thank you.

8 Anyone else out there who has not spoken who  
9 wants to speak?

10 Okay.

11 SARAH PETERSON: My name is Sarah Peterson,  
12 and I'd actually like to sing my story.

13 (Singing:)

14 When I was a young woman,  
15 we would travel  
16 from Denver to Pine Ridge for ceremonies.

17 We drove through Hot Springs  
18 where the water was flowing  
19 from warm springs provided by our Unci.

20 On one of these journeys,  
21 we were waylaid to Cold Brook Lake  
22 where we spent the day.

23 The green pines grew out of  
24 the red hills surrounding  
25 the clean, clear blue water

1               where we played and played.

2               Oh, Grandma, won't you take me  
3               down to Fall River County,  
4               down by the clean water  
5               where paradise lay?

6               Well, I'm sorry, my boy,  
7               but you're too late in asking,  
8               Mr. Azarga's yellowcake trucks  
9               done hauled it away.

10              A uranium company came  
11              with the permits  
12              from north of our border  
13              and across the West Sea.

14              They promised our water  
15              would not be affected  
16              and paved the way  
17              for ten other companies.

18              Oh, Grandma, won't you take me  
19              down to Fall River County,  
20              down by the clean water  
21              where paradise lay?

22              Well, I'm sorry, my boy,  
23              but you're too late in asking,  
24              Azarga's yellowcake trucks  
25              done hauled it away.

1                   They poisoned our water  
2                   for nuclear power  
3                   and for the great profits  
4                   they kept for themselves.

5                   The bankruptcy left them  
6                   with nothing for cleanup.  
7                   Life dried up in the Black Hills  
8                   and blew away.

9                   Oh, Grandma, won't you take me  
10                  down to Fall River County,  
11                  down by the clean water  
12                  where paradise lay?

13                  Well, I'm sorry, my boy,  
14                  but you're too late in asking,  
15                  Azarga's yellowcake trucks  
16                  done hauled it away.

17                  Now, the picture I've painted  
18                  is what's in our future,  
19                  for now and for all  
20                  generations to come.

21                  The power to stop the  
22                  death of the Black Hills  
23                  is your vote for the Green Deal  
24                  on Election Day.

25                  Oh, Grandma, won't you take me

1 down to Fall River County,  
2 down by the clean water  
3 where paradise lay?

4 Yes, my boy,  
5 let's pack up a picnic  
6 and play in the water  
7 on this sunny day.

8 PRESIDING OFFICER HALL: Thank you.  
9 Anyone else? In the back?

10 BRYCE IN THE WOODS: Hello, I'm Bryce In the  
11 Woods. I think I met you. Yeah, I think -- I  
12 think we did this before. I think that I was  
13 here before. And I had a word for it. It  
14 was -- in our language it's gnayeciya.  
15 Gnayeciya. Gnaye, is like you've been deceived.  
16 English word, you can use a couple English  
17 words. It's kind of like a moment of deceit.

18 I think I used the word "insanity." That's  
19 what you're trying to do with these two permits  
20 that you want to allow for Dewey and Burdock. I  
21 kind of question the formula. It's flawed.  
22 Scientifically, I think the best persons that I  
23 rely on are usually whistleblowers.

24 But you have guys that are scientific guys,  
25 you know, really highly intellectual,

1 high-status knowledge, you know. And they --  
2 some of them are atheists.

3 But I believe in this old elder guy that  
4 said he was born again. And he is a big, tall  
5 Caucasian guy, and he said he was born again.  
6 He basically told about the scientific, proven  
7 things. And that -- that's how the Caucasian  
8 race is, always trying to scientifically prove  
9 something, which they do, too.

10 But when it comes down to extractive and  
11 injection, what they've been doing with the  
12 fracking and all these things, you know, that's  
13 been coming through for -- how long has it been?  
14 Early '70s. And especially uranium.

15 And I think they consider when us Lakotas  
16 come up and we say things about our connection  
17 between the stars, and especially here, they  
18 consider that spiritual connection low-status  
19 knowledge. You have high-status knowledge and  
20 low-status.

21 But today, I believe the low-status  
22 knowledge should be dominating now because, like  
23 I say, especially with the last four years, from  
24 the signs from above, like Hanhepi Wi, the moon,  
25 even Anpetu Wi, the sun, the alignment -- the

1 alignment of the planets and the sun and the  
2 moon and those things that happen, you know,  
3 like two years ago. And they were visible to  
4 the naked eye.

5 And those signs are telling us that we need  
6 to igluwiyeya. Igluwiyeya means a preparation,  
7 to prepare. And even birds tell us that, you  
8 know. And the stars and the sun and the moon is  
9 connected to these sacred hills. All of this  
10 area is sacred.

11 And the desecration needs to stop now. And  
12 I just heard that it's probably 100 percent of  
13 us now that are opposing it today, you know. So  
14 I believe that should be a driving factor in you  
15 initiating the permit, both these permits.

16 Because injection itself is -- it's  
17 scientifically flawed, and it's -- it's insane.  
18 So if you really hear the experts, which I know  
19 you're going to -- and thank you for extending  
20 the comment period. And I -- also, again, for  
21 consultation purposes that you will be here.

22 You will be here in our headquarters in  
23 Eagle Butte, and you'll be meeting with the  
24 tribal council. And then also, we have four  
25 bands that will have representation there to

1           also talk to you. And we'll also have expert  
2           witnesses there to tell you about this  
3           connection, these things that I'm telling you  
4           now, about these signs from above that are going  
5           to affect us here.

6           And when you do things like what you're  
7           doing or allowing, these industries, you know,  
8           it's kind of like one-sided. I believe today,  
9           and I think the oil and the gas and coal and  
10          especially the uranium, it's all archaic now.

11          There's energies that have been suppressed  
12          that need to be brought out to the public. And  
13          the EPA should be putting that out there, that  
14          there's free energies out there.

15          Why are we doing these things now for a  
16          corporation out of Hong Kong or China and the  
17          bankrupt Powertech?

18          So I think if you're going to reverse  
19          osmosis, what they say they are going to do, you  
20          know, it's like -- again, it's like insanity.  
21          So you've got to say no and don't allow those  
22          two permits to go forward. Thank you.

23          PRESIDING OFFICER HALL: Thank you.

24          So there was one gentleman in the back with  
25          the baseball cap. If you haven't spoken, we can



1 take you as a last speaker.

2 UNIDENTIFIED AUDIENCE MEMBER: I already  
3 spoke. I have one quick comment, but --

4 PRESIDING OFFICER HALL: So we are past 6:00  
5 now.

6 REGINA BRAVE: Can I just say something?

7 We haven't really talked about what the  
8 minerals and the resources here are really meant  
9 for, if you do them in the right way.

10 One of the things I learned is that when you  
11 use -- take the oil out of the ground and you  
12 use it in its original form, maybe take the dirt  
13 out or whatever, but you use it in the original  
14 form, and the gas and possibly radiation, what  
15 happens is that there's no harm in it.

16 See, this is the reason that we don't touch  
17 it. Because we don't know how to do it. But  
18 when you refine it, you take the element out of  
19 there so that it can't dissipate in the air.  
20 That's what creates the pollution. Same thing  
21 with the gas and oil.

22 So I'm sure with the radiation, it's the  
23 same way. When you take it from the ground and  
24 you use it in its natural form to create the  
25 heat or whatever that the people come to depend

1           on, if it's used in its natural form and way, it  
2           shouldn't create, because you're refining that,  
3           too, and that's what creates the poison. You  
4           release the monster. That's what we say.  
5           You're taking it out, you created a monster.

6           And see, the country made us dependent on  
7           this electricity and the gas. And all these  
8           things that people pay for every month comes out  
9           of our pockets, and we're supporting this  
10          monster. And we've become dependent on it to  
11          the point where our people still depend on the  
12          earth to pick our -- for medicines and so forth.

13          And we use them in its natural form, and if  
14          we continue doing that -- I know my uncle was  
15          diabetic, and he used Indian medicine. He kept  
16          the sugar level down. And they wanted to know  
17          why, what he was using.

18          But he said, If I told them, then he said,  
19          they'll bastardize it. In other words, they'll  
20          take that formula and create a chemical  
21          derivative of it, and it'll backfire.

22          Just like the aspirin did when they took the  
23          willow. And then now it's like a blood thinner.  
24          And what happens is, is you become a bleeder  
25          from the aspirin, taking it.

1           So see, these are things that we know. And  
2           even watching the animals, where they go. We're  
3           watching Yellowstone now. The buffalo are  
4           leaving. They are leaving for a reason.  
5           Something is coming. Something is coming. And  
6           they are trying to migrate to leave the danger.

7           In the first time in history a year ago,  
8           1,000 head of buffalo left Yellowstone. It's  
9           telling us something about the weather, what is  
10          coming.

11          And with you listening to our side of the  
12          story, maybe things will change. We have to,  
13          because there's a prophecy. When the gold and  
14          silver snake came to this country and took over  
15          everything, and everything that they built, all  
16          the way to the West Coast, one day, the gold  
17          snake would come from the west and absorb  
18          everything that the silver snake had set up.

19          Now, these are symbolic. The silver snake  
20          represents the white people. The gold snake  
21          represents the yellow people. When they come  
22          here, they will begin absorbing everything that  
23          the silver snake had set up.

24          I collect financial magazines wherever I can  
25          find them, and see on there how are they going

1 to do it. They've already invested billions of  
2 dollars in this country buying up land. They  
3 own ranches. The only thing they didn't come  
4 to -- they are coming to our land in a way where  
5 they are control- -- they are controlling the  
6 companies. Okay?

7 That's why I said I'd file a suit against  
8 the Department of Interior, United States  
9 Department of Interior, because they are using  
10 us. They are using our people to do this. And  
11 that's why I say they are committing treason, by  
12 working on behalf of those countries, by  
13 using -- they are using you to -- our laws so  
14 that they benefit.

15 150 families moved into Galveston, 2012.  
16 All the people were all happy. Create homes for  
17 them, had a big party. So I said, What's in  
18 Galveston? The oil wells off the shore.

19 And then they -- when they absorbed  
20 different places, they created day care centers  
21 where people -- so when you go to work, you  
22 leave your children there. That one group, they  
23 learn Chinese. They encouraged the parents to  
24 come in and learn Chinese.

25 My grandson went to a charter school in Las

1           Cruces. I was there. And I told them, I said,  
2           you're half Cuban. Why don't you ask them if  
3           you could learn Spanish? And the man said no.  
4           He was teaching them Chinese.

5           My grandson is fluent in Chinese. That's  
6           good. Some day we are going to need you. Get  
7           back to learning. He lives in Detroit now.  
8           He's going back to school. I said, one day  
9           we're going to need a translator. Thank you.

10          PRESIDING OFFICER HALL: Thank you.

11          Can you say your name again for the record?  
12          Can you identify yourself, please?

13          REGINA BRAVE: I was Number 24, Regina  
14          Brave.

15          PRESIDING OFFICER HALL: Thank you.

16          I want to thank you all for participating  
17          today. Thank you for your patience. And this  
18          hearing is now closed. Thank you.

19          (The hearing concluded at 6:09 p.m.)  
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## C E R T I F I C A T E

I, Jacqueline K. Weller, Registered Professional Reporter, do hereby assert that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; that the foregoing transcript is a true and accurate record of the testimony given to the best of my understanding and ability.

I further assert that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

Dated this 18th day of October, 2019

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